

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-1138

Original

*B
Pages*

In The
United States Court of Appeals
For The Second Circuit

UNITED STATES OF AMERICA,

Appellee,

vs.

THOMAS JOSEPH CARROLL, VINCENT McCLOSKEY and
WILLIAM McCLOSKEY,

Appellants.

APPELLANTS' APPENDIX

Volume VI, pp. 1501a - 1800a

JOHN F. MARTIN

Attorney for Appellants

342 Madison Avenue

New York, New York 10017

279-6995



(6970)

LUTZ APPELLATE PRINTERS, INC.
Law and Financial Printing

South River, N.J. New York, N.Y. Philadelphia, Pa. Washington, D.C.
(201) 257-6850 (212) 565-6377 (215) 563-5587 (202) 783-7288

PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	<i>Page</i>
Certified Copies of Docket Entries (Filed February 13, 1974)	1a
Indictment (Filed September 11, 1973)	35a
Order Committing Defendant (Filed September 18, 1973)	46a
Report of Dr. Abrahamsen (Filed September 17, 1973)	48a
Report of Dr. Portnow (Filed September 17, 1973)	50a
C.J.A. 20 Form Appointment (Filed September 24, 1973)	51a
C.J.A. 21 Form Authorizing Minutes (Filed October 11, 1973)	52a
Memorandum of Law re Inspection of Grand Jury Minutes and to Dismiss Indictment (Filed October 30, 1973)	53a
Opinion re Wiretaps (Filed October 16, 1973)	60a
Notice of Motion and Affirmation for Inspection of Grand Jury Minutes (Filed October 30, 1973)	63a
Government Affidavit in Opposition (Filed November 7, 1973)	69a

Contents

	<i>Page</i>
Opinion Denying Inspection of Grand Jury Minutes (Filed November 7, 1973)	71a
Opinion Finding Government Not Required to Turn Over Wiretap Records to Defendants (Filed November 7, 1973)	74a
Consent Order to Extend Bail Limits (Filed November 21, 1973)	77a
Letter and Psychiatric Report (Filed November 30, 1973)	80a
Government Affidavit for W/H/C (Filed November 30, 1973)	84a
Motion to Act as Co-Counsel (Filed December 6, 1973) .	86a
Motion for Order Severing Defendant and Permitting Plea to Indictment with Endorsement Dated December 22, 1973 by Judge Metzner Attached (Filed December 7, 1973)	87a
Notice of Motion for Order Adjourning Trial, Etc. (Filed December 7, 1973)	90a
Notice of Motion for Judgment of Acquittal with Endorsement December 11, 1973 Judge Metzner Back of Page 6 (Filed December 10, 1973)	101a
C.J.A. 21 — Authorizing Daily Minutes (Filed December 12, 1973)	134a

Contents

	<i>Page</i>
C.J.A. 21 -- Authorizing Daily Minutes (Filed December 12, 1973)	135a
Government Supplemental Bill of Particulars (Filed December 11, 1973)	136a
Order, Application and Exhibits Compelling Chester Crawford to Testify (Filed December 11, 1973) . .	138a
Copy of Letter from Law Clerk to Attorney for Defendant with Enclosure (Filed December 12, 1973)	145a
Letter from Defendant to Court (Filed December 12, 1973)	149a
Notice of Motion to Exclude Evidence and Exhibits and Note of Court (Filed December 12, 1973)	151a
Order, Application and Exhibits Compelling Paul Crawford to Testify (Filed December 14, 1973) . .	162a
Order, Application and Exhibits Compelling Geoffrey Mann to Testify (Filed December 14, 1973)	169a
Order, Application and Exhibits Compelling Terrence Myers to Testify (Filed December 13, 1973)	176a
Government Supplemental Bill of Particulars (Filed December 19, 1973)	183a

Contents

	<i>Page</i>
Affidavit in Support H/C Writ and Endorsements (Filed December 17, 1973)	185a
Order, Application and Exhibits Compelling John Turner to Testify (Filed December 21, 1973)	186a
Alternate Request to Charge (Filed December 22, 1973)	193a
Requests to Charge (Filed December 22, 1973)	194a
Government Supplemental Request to Charge (Filed December 22, 1973)	237a
Affidavit and Exhibits by Government in Opposition to Multiple Motions (Filed December 26, 1973)	241a
Letter from Attorney to Judge Metzner and Enclosure (Filed December 28, 1973)	248a
C.J.A. 20 re Appointment of Attorney (Filed December 28, 1973)	252a
Letter from Attorney to Judge Metzner and Enclosure (Filed December 28, 1973)	253a
Judgment (Filed January 8, 1974)	258a
Judgment (Filed January 8, 1974)	259a
Judgment (Filed January 8, 1974)	260a

Contents

	<i>Page</i>
Judgment (Filed January 8, 1974)	261a
W/H/C History and Endorsement (Filed January 22, 1974)	262a
Copy of Judgment (Filed January 22, 1974)	263a
Copy of Judgment (Filed January 22, 1974)	264a
Copy of Judgment (Filed January 22, 1974)	265a
Application to Proceed as Poor Person With Endorsement and Financial Affidavit (Filed February 11, 1974)	266a
Stipulation by U.S. Attorney and Defense Attorneys Including Four Dockets for Record on Appeal and Stipulation to the Submission of all Exhibits Used During Trial on Appeal (Filed February 11, 1974) .	268a
Notice of Appeal (Filed January 25, 1974)	269a
Notice of Motion for Multiple Relief Dated January 22, 1974 — Memo Endorsed Dated January 25, 1974 Judge Metzner (Filed January 23, 1974)	270a
Notice of Appeal (Filed January 25, 1974)	291a
Judgment and Commitment (Filed January 25, 1974) .	292a
Judgment and Commitment (Filed January 25, 1974) .	293a

Contents

	<i>Page</i>
Opinion Judge Metzner Dated January 25, 1974 re Motion to Set Aside, etc. with Notice of Motion and Supporting Documents (Filed January 28, 1974) .	294a
Transcript of Proceedings Dated September 21, 1973 (Filed January 28, 1974)	305a
Transcript of Proceedings Dated December 10, 11, 12, 13, 14, 1973 (Filed January 24, 1974)	324a
Transcript of Proceedings Dated December 17, 18, 19, 1973 (Filed January 24, 1974)	1092a
Transcript of Proceedings Dated December 20, 21, 24, 26 (Filed January 24, 1974)	1814a
Requests to Charge	2012a
Motions	2021a
Summation — Mr. Hopper	2030a
Summation — Mr. Hafetz	2047a
Summation — Mr. Martin	2068a
Charge of the Court	2172a
Verdict	2251a

Contents

	<i>Page</i>
Indictment and Exhibits Attached (Filed June 14, 1973)	2257a
Order Denying Motion to Reduce Bail (Filed June 20, 1973)	2262a
Government Affidavit for W/H/C (Filed June 20, 1973)	2264a
Remand — Magistrate Wyatt (Filed July 3, 1973)	2266a
Remand — Magistrate Wyatt (Filed July 3, 1973)	2267a
Remand — Magistrate Wyatt (Filed July 3, 1973)	2268a
Letter of Transmittal from District of Columbia (Filed July 3, 1973)	2269a
C.J.A. 20 (Filed July 19, 1973)	2270a
Motion on Behalf of Defendant with Memo Endorsed (Filed August 6, 1973)	2271a
Indictment (Filed June 19, 1973)	2272a
C.J.A. (Filed June 21, 1973)	2277a
C.J.A. (Filed June 26, 1973)	2278a
C.J.A. (Filed June 26, 1973)	2279a
C.J.A. 20 (Filed June 26, 1973)	2280a

Contents

	<i>Page</i>
Notice of Appearance of Attorney (Filed July 3, 1973)	2281a
Notice of Motion for Discovery and Inspection etc. Affidavits and Document; Memo Order Attached Dated August 6, 1973 Judge Metzner (July 11, 1973)	2282a
Motion for Discovery and Inspection, etc., Memo Order Attached Dated March 6, 1973 Judge Metzner (Filed July 16, 1973)	2293a
Warrant of Removal (Filed July 3, 1973)	2304a
Warrant of Removal (Filed July 3, 1973)	2305a
Notice of Motion to Suppress and Exhibits; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 17, 1973)	2306a
Motion for Discovery and Inspection; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973)	2315a
Pretrial Motions; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973)	2318a
Motion for Bill of Particulars and Exhibits; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973)	2324a
C.J.A. 21 — Investigator (Filed July 23, 1973)	2334a

Contents

	<i>Page</i>
Memorandum of Law in Support of Motion for Discovery and Inspection (Filed July 23, 1973) . .	2335a
Warrant of Removal (Filed July 23, 1973)	2342a
Memo of Court Dated August 8, 1973 re Names of Witnesses (Filed August 8, 1973)	2343a
Motion for Copies of Indictment etc.; Memo Order Endorsed September 13, 1973 (Filed August 15, 1973)	2344a
Government Affidavit and Exhibits in Opposition to Pretrial Motions of Defendants (Filed August 6, 1973)	2350a
Order Substituting Attorneys (Filed August 7, 1973) .	2382a
Order Denying Reduction of Bail by Circuit Court of Appeals (Filed July 27, 1973)	2386a
Notice of Motion for Names of Witnesses; Memo Endorsed September 13, 1973 Judge Metzner (Filed August 20, 1973)	2387a
Government's Affidavit Regarding Brady (Filed August 24, 1973)	2394a
Government Affidavit and Exhibits re Surveillance (Filed September 4, 1973)	2397a

Contents

	<i>Page</i>
Notice of Motion Providing for Names of Witnesses Exhibits; Memo Endorsed Dated September 13, 1973 Judge Metzner (Filed September 5, 1973) . .	2402a
Government Memorandum of Law in Opposition to Defendants Pretrial Motion (Filed September 6, 1973)	2408a
Government Affidavit in Opposition to Discovery and Inspection (Filed September 10, 1973)	2419a
Notice of Motion for Order Directing Mental Incompetency Hearing; Memo Endorsed September 6, 1973 Judge Metzner (Filed September 7, 1973) .	2422a
Order Appointing Dr. Abrahamsen to Examine Defendant (Filed September 6, 1973)	2426a
Order Permitting Dr. Portnow to Examine Defendant (Filed September 12, 1973)	2428a
Government Affidavit W/H/C (Filed September 6, 1973)	2431a
W/H/C With Satisfaction Endorsed September 17, 1973 (Filed September 6, 1973)	2433a
Government Request to Charge with Supplemental Attached (Filed December 27, 1973)	2435a
Request to Charge (Filed December 27, 1973)	2487a

Contents

	<i>Page</i>
Remand (Filed January 8, 1974)	2494a
Remand (Filed January 22, 1974)	2495a
Remand (Filed January 22, 1974)	2496a
Remand (Filed January 22, 1974)	2497a
Remand (Filed January 22, 1974)	2498a
Affirmation of Attorney re Fee (Filed January 24, 1974)	2499a
Indictment — Original With History and Memos (Filed October 17, 1973)	2504a
Judgment (Filed January 10, 1974)	2511a
Order Dated January 16, 1973 Denying Application to Reduce Sentence and Application Letter by Defendant (Filed January 16, 1974)	2512a
Judgment and Commitment and Return (Filed January 22, 1974)	2515a
Notice of Motion for Judgment of Acquittal; Memo Order Endorsed January 25, 1973 Judge Metzner (Filed January 23, 1974)	2516a
Affirmation by Attorney (Filed January 24, 1974) . . .	2521a

Contents

	<i>Page</i>
Judgment and Commitment (Filed January 28, 1974) .	2528a
Remand (Filed February 6, 1974)	2529a
Judgment and Commitment and Return (Filed February 6, 1974)	2530a
Notice of Appeal (Filed January 25, 1974)	2531a

GOVERNMENT EXHIBITS IN EVIDENCE ON TRIAL

Exhibit No.

2 — Map	2532 a
3A — Employment Record William Hickey	2533a
5 — Medical Examiner's Report William Hickey	2537a
8 — Motel Registration Card	2549a
9 — Motel Registration Card	2550a
10 — Motel Registration Card	2551a
11 — Motel Registration Card	2552a
12 — Motel Registration Card	2553a
15 — Motel Registration Card	2554a
16 - Motel Registration Card	2555a

Contents

	<i>Page</i>
17 -- Motel Registration Card	2556a
18 -- Corporate Resolution for Meadowlands Bank . . .	2557a
19 -- Corporation Signature Card	2558a
20 -- Photostatic Copies of Three Checks -- Front and Back	2559a
21 -- Bank Resolution Plaza National Bank	2561a
22 -- Signature Card National Bank of Secaucus	2562a
23 -- Photostatic Copy of Cancelled Check for Cash -- Front and Back	2564a
24 -- Bank Statement Plaza National Bank	2565a
26 -- Telephone List Maria Vasquez	2566a
27 -- Telephone Toll Charges Calling No. 276-6220 . .	2567a
28 -- Telephone Toll Charges Calling No. 201-863-8847	2571a
29A -- Telephone Toll Charges Calling No. 201-863-8847	2572a
29B -- Telephone Toll Charges Calling No. 201-863-8847	2576a
29C -- Telephone Toll Charges Calling No. 201-863-8847	2581a

Contents

	Page
30 -- Police Blotter Entry Step Van	2584a
31 -- Telephone Tolls - Calling No. 202-829-7657 . . .	2585a
32 -- Car Rental Records Eileen Holder	2587a
33 -- Jim's Auto Body Service	2590a
34 -- Palisade Towing Corp.	2591a
35 -- Records from General Post Office and Federal Reserve Bank re Registered Mail	2592a
36 -- Items of Registered Mail	2598a
37 -- List of Registered Mail from Brokers and Processing Service	2599a
38 -- List of Registered Mail	2607a
39 -- List of Registered Mail	2612a
40 -- List of Registered Mail	2623a
41 -- List of Registered Mail	2630a
DEFENDANTS' EXHIBITS IN EVIDENCE ON TRIAL	
A -- Original and Copy of U.S. Attorney's Letter re Chester Crawford	2643a

Contents

	<i>Page</i>
D — U.S. Attorney's Letter re Myers' Plea	2647a
E — Photograph of Beekman and William Street Vicinity .	2649a
E-1 — Photograph of Beekman and William Street Vicinity	2650a
E-2 — Photograph of Beekman and William Street Vicinity	2651a
E-3 — Photograph of Beekman and William Street Vicinity	2652a
E-5 — Photograph of Beekman and William Street Vicinity	2653a
E-7 — Photograph of Beekman and William Street Vicinity	2654a
F — Gun Flyer	2655a
H — Recognizance New Jersey Court Witness Mann . .	2656a
I — Arrest Record Geoffrey Mann	2657a
J — U.S. Attorney Letter re Mann Plea	2658a
Transcript of Proceedings Dated June 19, 1973 (Filed January 15, 1974)	2660a
Transcript of Proceedings Dated June 25, 1973 (Filed January 10, 1974)	2667a

Contents

	<i>Page</i>
Transcript of Proceedings Dated June 20, 1973 (Filed January 15, 1974)	2694a
Transcript of Proceedings Dated September 5, 1973 (Filed January 10, 1974)	2699a
Transcript of Proceedings Dated August 6, 1973 (Filed January 10, 1974)	2705a
Transcript of Proceedings Dated September 12, 1973 (Filed January 10, 1974)	2740a
Transcript of Proceedings Dated December 4, 1973 (Filed January 10, 1974)	2756a
Transcript of Proceedings Dated December 8, 1973 (Filed January 10, 1974)	2760a
Transcript of Proceedings Dated September 17, 1973 (Filed February 14, 1974)	2806a
Transcript of Proceedings Dated November 7, 1973 (Filed February 14, 1974)	2863a
Transcript of Proceedings Dated November 13, 1973 (Filed February 14, 1974)	2885a
Transcript of Proceedings Dated November 19, 20, 27, 1973 (Filed February 14, 1974)	2889a
Transcript of Proceedings Dated December 3, 1973 (Filed February 14, 1974)	2926a

Contents

	<i>Page</i>
Transcript of Proceedings Dated January 25, 1974 (Filed February 14, 1974)	2933a
Transcript of Proceedings Dated January 8, 1974 (Filed February 19, 1974)	2970a
Order of Commitment Dated September 17, 1973 and Returns (Filed January 8, 1974)	3021a
Letter from Judge Metzner Dated November 23, 1973 .	3023a
Complaint against William McCloskey	3024a
73 CR 583 Indictment (Filed June 14, 1973)	3026a
73 CR 606 Indictment (Filed June 19, 1973)	3031a
73 CR 855 Indictment (Filed September 11, 1973) . .	3036a
Requests to Charge by Vincent McCloskey	3047a
Letter from John F. Martin Dated December 7, 1973 .	3084a
Affidavit by Government Dated November 14, 1973 . .	3086a
Motion for Mistrial or Severance	3088a
Stipulation Between Government and Attorneys for Defendant Dated February 20, 1974 Designating Documents and Exhibit to be Transmitted to U.S.C.A. (Filed February 20, 1974)	3089a

Contents

Page

WITNESSES

Crawford Lawrence:	
Direct	372a
Cross	390a
Redirect	427a
Nicholas Parra:	
Direct	430a
Donald Greene:	
Direct	445a
Cross	447a
Frances Elvenene Souvenir:	
Direct	453a
Patrick J. Corcoran:	
Direct	455a
Cross	459a
Emile Tibere:	
Direct	464a
Cross	478a
Chester Crawford:	
Direct	530a
Cross	610a, 704a
Redirect	722a
Carlton Boyd:	
Direct	736a

Contents

	<i>Page</i>
Geoffrey M. Mann:	
Direct	1058a, 1249a, 1348a
Cross	1469a, 1599a
Redirect	1692a
Paul Crawford:	
Direct	756a
Cross	783a
Terrence D. Myers:	
Direct	877a, 911a
Cross	984a, 1062a, 1098a
Redirect	1204a
Gerald Dexter:	
Direct	1219a, 2742a
Cross	1227a, 2746a
Redirect	1244a
Recross	1245a
Rocco DiGiorgio:	
Direct	1311a
Cross	1317a
Cecelia Duda:	
Direct	1325a
Cross	1333a
Ruth Dunning:	
Direct	1339a
Cross	1346a

Contents

	<i>Page</i>
James Hand:	
Direct	1393a
Cross	1397a
Gilbert Snowden:	
Direct	1403a
Cross	1407a
Peter Cafasso:	
Direct	1413a
Cross	1426a
Julius Herman Helvey:	
Direct	1433a
Cross	1435a
Joan Dietrich:	
Direct	1437a
Cross	1455a
Redirect	1466a
Recross	1466a
Louis Prettitore:	
Direct	1561a
Cross	1565a
Anthony Sagliano:	
Direct	1567a
Cross	1575a
Redirect	1581a
Recross	1583a

Contents

	<i>Page</i>
Vincent Del Principe:	
Direct	1584a
Donald Scott Kennerson:	
Direct	1591a
Cross	1597a
Michael F. Wall:	
Direct	1695a
Cross	1698a
John Joseph Turner:	
Direct	318a, 1704a
Cross	1819a, 1890a
Redirect	1935a
Jerrold Schwartz:	
Direct	1816a
Cross	1818a
Alexander Baktis:	
Direct	1887a
Cross	1889a
Kenneth J. Kievit:	
Direct	1942a
Cross	1971a
Redirect	1981a
Recross	1981a

that job?

A I cannot speak on what he was doing.

Q And what were you and Harry doing during this time?

A Nothing much, just talking about things in general, looking at the women, anything.

Q Were you in Katz' delicatessen?

A When?

Q I'm talking between 2:00 o'clock and 5:00 o'clock on April 5th.

A No.

Q Where were you?

A Riding around New York City.

Q You and Harry?

A And Chester.

Q And Chester.

And Terry you had dropped off at Houston Street, and then you didn't see him until 5:00 o'clock?

A No, we dropped him off at a parking lot somewhere.

Q At 2:00 o'clock and you didn't see him again until 5:00?

A 5:15.

Q And, meanwhile, you three guys were --

MR. MARTIN: Question withdrawn.

Q Meanwhile, you three, Chester, Harry and I
self, were riding around town in Chester's car?

A True.

Q Did you see where Terry went?

A No, I didn't.

Q Do you know where Terry went?

A I know now, yes.

Q Where did he go?

A He went to some friend of his on the FDR Drive,
one of those big apartments in there.

Q This is on FDR Drive?

A Well, it's probably another street, but that
is the thing near it. I don't know the exact name of
the street right there, but I know there is a street.
There is the FDR Drive and then there is a street, and
then there's apartments there. It's not right on FDR
Drive, but that is the only thing I know about it,
right off Houston, whatever it is.

Q Had you ever seen the building that Terry went
in?

A No.

Q Was that the first time that you knew Terry
visited that apartment?

A Yeah, the first time, yeah.

Q Did Terry tell you where he was going?

A Say some girl, but I don't know who it was.

Q You never met the girl?

A No.

Q Did he keep his clothes up in that apartment?

A No.

MR. KENNEY: Objection.

THE COURT: A little late, Mr. Kenney.

MR. KENNEY: Objection to the line of questioning.

THE COURT: Sustained.

MR. MARTIN: I am not permitted to inquire into --

THE COURT: What difference does it make where Terry kept his clothes?

Let's go on, Mr. Martin.

MR. MARTIN: Your Honor, there was testimony --

THE COURT: Mr. Martin.

Q Incidentally, did you have a change of clothing with you on April 5th as you were riding around with Chester and Harry in the car?

A At that time?

Q Yes.

A No, not at that time.

Q Was there a change of clothes for Terry in that car as you were riding around with Chester and Harry?

A In Chester's car, no.

Q I understand one day the previous week you had been down to the Wall Street area with a group, and actually made an attempt to take the mail truck, is that accurate?

A Which preceding week?

Q The week before April 5th.

A Yes.

Q And I believe it was on about a Wednesday or a Thursday?

A Yes.

Q Are you familiar with that?

A Yes, I am.

Q Was this the time that Terry didn't show up?

A That Thursday, yes.

Q And Thursday would be the 29th, is that correct?

A That sounds about right, yeah.

Q So, on Thursday, the 29th, you went down there with Harry and Harry was taking Terry's place, is that --

A No.

Q Didn't you give us some conversation where Terry couldn't make it or didn't make it on a Thursday and there

was a conversation between you and Harry and Chester?

A Yes, there was.

Q Where Harry said -- excuse me if I'm wrong --

A I can fill you in.

Q Will you fill me in, please?

A Harry was taking my place.

Q Right.

A I was taking Terry's place.

Q Harry was taking your place?

A Right.

Q And you were taking Terry's place?

A Right.

Q And you were, in fact, going to take the truck?

A True.

Q And you, in fact, went through the whole routine and something happened to make you call it off at the last minute.

I think you said the van didn't show up or the van did show up but didn't stop?

A That's not what I said. No. I said the station wagon.

Q The station wagon didn't show up?

A It didn't stop.

Q It didn't stop.

Now, when Harry took your place, did he have a gun?

A No, he did not.

Q Did you have a gun?

A I did; yes, I did.

Q Was anything said about Harry having a gun?

A When we were back at Katz', I said, "I will take the place," and I said, "Yeah, but I just want you stand over there," that he didn't have a gun.

Q Isn't it a fact that if he was going to take your place, your place being the position, I think, according to your story, that you were to actually take a driver from a truck and put him in another truck, didn't he need a gun for that?

A No, not necessarily. No.

Q Didn't he even have a fake gun?

A If he have a fake gun, you don't have a real one. No.

Q Was there any discussion about Harry being armed with any weapon?

A Harry wanted to have one, but I said no.

Q Oh. So Harry did ask you for a gun?

A He asked, "Should I have one?"

Q And who did he ask for that?

A He asked me.

Q And who was there then?

A Harry and myself.

Q Just Harry and yourself. Chester wasn't there?

A Not at that time, no.

Q And Harry said to you --

A Because I --

Q I'm sorry.

A Because I was discussing Harry, the thing with Harry, you know, before Chester.

Q Isn't it a fact, Mr. Mann, that your testimony was that you participated in this alleged incident with other people?

A Yes.

Q Didn't you tell these other people, "Terry isn't here. I'm going to bring Harry in"?

A Yes; right, I did.

Q And didn't you say to them, "We're going to send Harry in without a gun"?

A Did I tell them that?

Q Yes.

A I don't really know if I told them that or not.

Q Did you tell them?

A At that time, it was my operation. It was my

responsibility at that time what to do with the truck.

IF I could ---

Q I understand it was your responsibility, Mr. Mann. But you are claiming that you had people with you at this operation; isn't that correct?

A That is true, yes.

Q And you are claiming that you had several other people with you in cars and vehicles; isn't that correct?

A That's correct.

Q And you are claiming that there was other there -- and there were elaborate preparations made for this; isn't that your claim?

A That's my claim.

Q And are you now telling us, sir, that you didn't even bother to notify these other people that Harry was not armed?

A When I got the pistol, I just got one of them. So they had to know it. Chester was the only one when I received the equipment.

Q Excuse me?

A Chester was the only one around when I received the equipment.

Q You received the equipment?

A That day, yes.

Q How about the ether, did you receive that?

A The ether?

Q Yes.

A That day, we didn't have ether that day. We didn't have it that day.

Q Isn't it a fact that you testified that Jack Turner said he was going to supply ether?

A No, I didn't.

Q Isn't it a fact that you testified before this day that Terry said you would need two guns and Jack Turner said he could get them?

A No, I did not testify to that.

Q Isn't it a fact that you testified that Chester --

MR. MARTIN: Question withdrawn.

Q Hadn't you had guns on the previous week --

MR. MARTIN: Question withdrawn.

Q To get the setting, you testified about an incident that occurred out in New Jersey where two of you, I believe, took a man with some money and took money from him. Do you remember that testimony?

A I do.

Q On that day, isn't it a fact that two guns were provided, one to you and one to Terry?

A No.

Q Was one gun provided?

A Right.

Q And who was that gun provided to?

A It was given to Terry.

Q And you went in without a gun?

A Yes, I didn't have one.

Q What happened to that gun --

MR. MARTIN: Question withdrawn.

Q Who gave Terry that gun?

A Chester.

Q And he gave it to him that morning?

A Yes.

Q And he took it out from under his seat, out of a bag, and handed it to Terry?

A He didn't take out the bag. The whole bag he handed to Terry.

Q But nobody else gave him a gun?

A No.

Q After the job, Terry still had that gun, did he not?

A No.

Q What did he do with it?

A He gave it to me.

Q He didn't give it back to Chester?

A After I gave it back to Terry, yes. I gave it back to Terry.

MR. MARTIN: Excuse me. I didn't get that.

THE COURT: Terry gave him the gun and he gave it to Chester.

Q When did Terry give you the gun?

A After the man that we took the money from, after he was in the car. All of us were in the car. He handed the pistol back to me, so he could drive.

Q Did you know that man was in Court and testified?

A No, I didn't.

Q And now you say you gave Chester the gun. When and where did you give Chester the gun?

A I gave it to him when we got out of the area the robbery took place, and we were about two blocks from this second tavern, and Terry and I changed our clothes, I gave it back to him then.

Q Was this parked in a car on the street?

A We were on the street, yes.

Q You say in between two taverns?

A No, there was a tavern on the same street, about two blocks down. It's like a warehouse area. It wasn't too much traffic going past.

Q And this was in the morning or the mid-afternoon, after this robbery supposedly took place?

A This was in the morning.

Q Still in the morning. And it is your testimony -- who was driving this car?

A Which one?

Q At this time, when you said you gave Chester the gun.

A Nobody was -- we were out in the street at the time. But I gave it to Chester, at his car.

Q How did you get there?

A How did I get --

Q To that point where you say you gave Chester the gun.

A In Mike and Jack's car.

Q How did Chester get there and Terry get there?

A Chester's car.

Q And they just happened to meet there, is that your testimony?

A That's where they were going, at the end.

Q They weren't going to a tavern, they were meeting out in the middle of the street?

A I said it was two blocks from a tavern.

Q So it is your testimony, then, that you stopped

two blocks from a tavern, you changed clothes; is that
in the car?

A Yes, that's the same place where Terry had
parked his car. It was near there. We changed clothes
there. We got the clothes from Terry's car and changed
clothes there.

Q And you went into Terry's car and changed the
clothes?

A No, I changed right from the trunk.

Q In the street?

A Yeah.

Q In broad daylight?

A There wasn't anybody around. I tell you it was
in a desolate area. There are warehouses around there
but no traffic.

We didn't completely change everything, just
the top.

Q Did Terry also change clothes in the street?

A Yeah.

Q When you handed Chester the pistol, you took it
in the street and said, "Here, Chester, here's the pistol"?

A No, no.

Q How did you do that?

A Chester opened his trunk, and I reached down inside

the truck and handed it to him right there.

Q And you didn't wait until you got to the tavern to do that?

A Wait till we got to the tavern?

Q Right.

A No.

Q You stopped and then you went to the tavern?

A Paul and I went to the tavern; just Paul and I went to the tavern.

Q Paul and you. Where did Terry go from there?

A Terry, Chester, Mike and Jack went to count the money.

Q There was some testimony, after this other week end, that is, the second week you were here, on this Thursday you went down with Harry and the job was botched up.

A Right.

Q At the end of that week, there was testimony that you returned to Washington with Terry and Harry, is that accurate?

A That's true.

Q As I recollect some of your testimony, when you made -- did you make some statement to the effect when you went back to Washington, that you had it, that

this was all fouled up and they didn't know what to do up there?

A We were leaning toward that idea, yes.

Q Who did you talk to about this idea?

A Terry.

Q How about Harry?

A Mr. Harry, no.

Q When you spoke to Terry about this, where were you?

A At his apartment.

Q In Terry's apartment in Washington, D.C.?

A Right.

Q Was his wife there?

A If she was there, I never talked to her in front of her. I mean she was probably in the apartment.

Q Well, do you remember now if, in fact, anybody else was in the apartment during this conversation?

A No, not really, offhand. I don't remember where everybody was situated at the exact time.

Q When you say "everybody," who do you mean by "everybody"?

A Well, his wife and two kids. They come in and out.

Q What did you say to him and what did he say to

you about this botched-up job?

A Well, you mean word for word, or do you want ideas or what?

THE COURT: He'd rather have the words to the extent that you can remember them.

THE WITNESS: Okay.

A Well, he conveyed to me the idea that it seemed like these people really didn't know what they were doing, and he was getting doubtful about whether he wanted to do the job or not. And I was saying, well, the way it look, you know, the money was good, and it seemed like, you know, we should keep an open mind and try to get the car in shape and go back up there.

So, during this period of time, Chester was calling down there.

Q All right. I just want the conversations between you and Terry.

A Oh, I'm sorry.

Q And this would have been the week end --

A 30th, 31st.

Q The end of March, beginning of April?

A Right.

Q And at this time Terry said --

A Go ahead.

Q I'm sorry.

A I don't want to interrupt you.

Q No, go ahead. You had something to say.

THE COURT: No. He says he doesn't want to interrupt you. You go ahead.

MR. MARTIN: Thank you.

Q At this time Terry said to you substantially that he was disgusted with what was happening up there, he was fed up and didn't want any part of the job; is that accurate?

A He was -- yes; still some doubt.

Q So far as he was concerned, he'd had it?

A Well, no, it wasn't definite one way or the other. It was on the borderline, I would say. He didn't say he definitely didn't want it.

Q But you didn't consider yourself part of that job with these guys up there any more, did you?

A Yes, I did, yes.

T7

Q Did you consider yourself contracted to Chester Crawford?

THE COURT: Contracted?

MR. MARTIN: In agreement.

A I never signed any papers.

Q I understand that.

A I did feel somewhat obligated, because they did give us the money for the tags and took care of us while we were up here.

Q Now, when they gave you some money and took care of you, were they advancing money for your expenses and your keep?

A No. The understanding, we were up here and they would take care of us while we were up here.

Q When you are saying that, you are saying Chester was giving you money?

A He is the only one that gave us money.

Q When you were short or broke you would say, "Here is money for the hotelroom"? Or for food or for gas?

A Yes.

Q Yet despite this you say you had \$2400 from the Jersey job?

A Well, yes. It finally came down to something

like eighteen after I gave Chester some and Paul.

Q So it was not 2400? You netted eighteen, now, you say?

A Yes, something like that. It was not that much.

Q Did you blow this 3800 in a period of a week or two?

MR. KENNEY: Objection.

THE COURT: Sustained.

MR. MARTIN: May I just inquire if this whole line of questioning about the money is out?

THE COURT: It has been gone over several times already, both with this witness and the other witness.

MR. MARTIN: Not with this witness.

THE COURT: Next question. No arguing before the jury. It is now twenty-five after five; it is getting late. Let us just move on. Next question.

Q There was some testimony in the record that you went shopping in New York with Terry. Do you remember that testimony?

A Yes, I did. I don't know whether I testified or not.

Q Would it refresh your recollection if I told you that you testified to that on direct examination?

A I am not denying it.

Q So you did go shopping with Terry?

A Yes.

Q And you went shopping in New York with Terry.

A Yes, I did.

Q What did you buy?

MR. KENNEY: Objection.

THE COURT: Sustained.

Q Where did you go shopping with Terry in New York?

A I went to Leighton's and a couple of other stores.

Q Nathan's?

A Leighton's.

Q Do you know where that was?

A On Broadway, I think it was.

Q Leighton's is a store on Broadway?

A I believe that is where it was. I believe it's downtown.

Q Did you go shopping in any other stores?

A Well, there is a store caterscorner to it, but I don't know the name.

Q Do you know the streets this was between?

A No, I don't know what street Leighton's is between.

Q Do you know the date this happened?

1 A Yes.

2 Q Do you know what time of day this happened?

3 A Approximately. Exactly, no.

4 Q Approximately what time?

5 A One or two o'clock.

6 Q In the afternoon?

7 A Yes.

8 Q Can you give me the date?

9 A The 22nd.

10 Q The 22nd of what?

11 A Of March.

12 Q We spoke before about a conversation that you
13 had with Terry in Washington substantially to the effect
14 that Terry didn't like the way things were going. Would
15 that be a fair statement?

16 A True.

17 Q Isn't it a fact that Terry was not even on that
18 job, the last attempt on that job, and it was you and
19 Harry who made the attempt?

20 A No, that is not true.

21 Q I am not talking about April 5th; I am talking
22 about the week before.

23 A I know.

24 Q Isn't it true that Harry was filling in for you

and you were filling in for Terry?

A On that Thursday?

Q Excuse me?

A That was on that Thursday.

Q And Terry wasn't even there then?

A On that Thursday, no.

Q And that is what he meant by the foul-up?

A No.

Q Do you know what he meant?

THE COURT: It was a Friday, Mr. Martin.

MR. MARTIN: I am trying to inquire from the witness.

THE COURT: I know. But you also know some of the facts in the case, and you know the testimony?

MR. MARTIN: I don't.

THE COURT: You don't? You have been sitting here for seven days. You should.

MR. MARTIN: I have heard versions of the facts, your Honor.

THE COURT: Go ahead.

Q When Terry said he didn't like the way things were going because of the foul-up, do you know what foul-up she was talking about?

A Yes.

Q Wasn't it an attempt by Terry and you to take the mailtruck?

A We did try, yes, but that is not --

Q That is the week before you went to Washington?

A We went to Washington after every week.

THE COURT: Are you talking about March 31 and April 1st?

MR. MARTIN: That is the weekend.

THE COURT: That is what you are talking about?

MR. MARTIN: I am talking before they went down for that weekend.

THE WITNESS: The second week we were up here.

THE COURT: He is now talking about the week prior to the weekend of March 31-April 1st.

Q Did there come a time -- and I am not talking now about the time with you and Harry where you attempted the job -- but did there come a time when you and Terry attempted the job and it didn't work?

A Yes, there was.

Q And on what street did this attempt take place?

THE COURT: Do you want him to show you on the map?

MR. MARTIN: May we have him do that?

THE COURT: Do you want to step down and point out on the map?

(Witness goes to the chart.)

THE WITNESS: Here (indicating).

THE COURT: Is that what they call Pearl Street West?

MR. KENNEY: I believe so, your Honor.

Q Can you point again?

A Here (indicating).

MR. MARTIN: I don't believe it is Pearl Street West.

THE COURT: That is where the little triangle is, isn't it?

MR. MARTIN: May we have it marked, please?

THE COURT: One side of the triangle is Pearl Street and the other side of the triangle is Pearl Street West, and the other street is Fulton Street.

Q Just put an A there.

(Witness did as requested.)

Q Now, pointing to the A, can you tell me where you were and where Terry was?

A Terry was approximately here.

THE COURT: Where the A is?

THE WITNESS: On the side of the A.

Q And where were you?

A At first when the truck came I was standing down

here, until the truck came.

MR. MARTIN: Will you mark that, please?

THE COURT: Mark it with a B.

THE WITNESS: There was a telephone booth here.

(Witness marks location with B.)

Q Now, was this the time that Jack Turner was with you?

A Yes, he was.

Q Now, can you point out where Jack was? Mark it with a J.

A Skip C?

Q Yes, please.

(Witness marks location with J.)

Q Now this was, you say, when? Thursday or Friday of the week before April?

A It was a Friday.

Q It was a Friday?

A Yes, it was.

Q That would be the 29th?

THE COURT: The 30th.

Q Friday, the 30th.

Now, you were all the way off to the left, indicating John Street, and that is Pearl Street?

THE COURT: Pearl Street West. It runs from

Madden Lane up to Pearl Street.

Q You were here?

A Yes.

Q And you say there was a telephone booth there?

A Yes, that is why I stayed in the street acting like I was phoning.

Q Were you standing in the phone booth?

A Off and on, yes, sir.

Q How long did you stay there?

A 15, 20 minutes.

Q And Turner was in between you and Terry?

A Yes, he was up here. I believe he was in a phone booth.

Q Was Turner in that phone booth?

A Yes, it was a damp, cool day.

Q Were you and Turner signalling to each other from the phone booth?

A I don't recall signalling to him, no.

Q Now, from where you were standing at this time could you see Terry?

A Off and on. He stepped out of it every so often. Not too much.

Q And where was Terry standing?

A He was back here by a fence or something.

He was standing back. He was not standing right on the street. He was standing back so he would not be observed too readily.

Q Did he have any cover?

A I couldn't see him, so he must have had something. I see him standing.

Q In other words, you and Jack were both covered by a phone booth?

A Yes.

Q You assumed that Terry was also covered?

A He was not in a line of direct vision. You had to look for him.

Q Then there came a time when you saw the mailtruck come up in this vicinity?

A The van came first.

Q Now, after you say the van came first, not the stationwagon, but the van?

A Yes, we had the van then.

Q Will you point out where the mailtruck came?

A The mailtruck?

Q I don't mean that, I mean in the area.

A It came to a stop here behind the van.

Q Will you mark that right there?

A The van or the mailtruck?

Q The mailtruck.

A Right here (indicating).

Q That is by the S?

A Yes. I can't guess distances.

Q Now, will you tell us how you and Terry and Jack Turner attempted to take the truck?

A When I saw the van coming, I see that first, I stepped across the street so I could be on this side (indicating). The van, I will tell you how it was supposed to run.

THE COURT: How did it?

Q That day.

A Well, I came across here (indicating). Jack came out a bit. He stayed on the other side of the street. The van turned, and both of them turned up, because he thought the truck was being taken care of. But it didn't. That is when something didn't go right. So then Chester came straight across.

Q Is this the time when you testified that Terry told you about a couple getting out of the car?

A No, the car was parked on the side here.

Q And where was that car parked? Right where you were by the triangle?

A No, by the mailtruck, when the car pulled out,

like this is the stop, and the mailtruck, the front was right here.

MR. KENNEY: Would your Honor ask Mr. Martin to indicate for the record when he makes marks on the map?

MR. MARTIN: I put a straight line here in back of where the mailtruck supposedly stopped.

MR. KENNEY: Tell us why you put a straight line there.

MR. MARTIN: Because it is my understanding from Mr. Mann's testimony that there was a car parked there and the car pulled out, so I was marking that.

Q Is that where you say the car was parked and pulled out from?

A Approximately.

Q Now, when that car pulled out what happened?

A Well, I didn't see it pull out, the exact time, because I was blocked by the truck. But Terry told me. But I know the car pulled out and made a turn. What it was, Chester was behind the mailtruck --

Q Excuse me a minute. What was Turner's function?

A I was going to explain what was supposed to happen.

Q Please.

1
2 A Okay. Turner was supposed to get on the car
3 side of the postal truck and follow the van across the
4 street and to the stop on this side (indicating).

5 THE COURT: Between Fulton and John Streets?

6 Q Will you draw a line where they were supposed
7 to follow the truck?

8 (Witness draws line.)

9 Q In other words, they were to follow that truck --

10 THE COURT: No, they were to follow the van.

11 THE WITNESS: The van.

12 THE COURT: They were to make the postal truck
13 follow the van to that point, is what he said.

14 MR. MARTIN: I don't think I understood that.

15 Q Will you explain that again, please?

16 A Turner was going to get up on the postal truck
17 and tell them to follow the van. The van was to stop
18 here. I would take the driver, and Terry the guard,
19 and go in front and put them in the van. Jack was to
20 drive the postal truck away.

21 MR. MARTIN: Will you resume the stand, please.

22 (Witness takes his place in the witness
23 chair.)

24 Q And you didn't see the couple who supposedly
25 came out of the car then?

1. They didn't come out of the car. The whole car came out.

Q And Terry didn't tell you that a couple got out of the car and prevented the job from being done?

A No, he said the car pulled out on him.

Q Jack Turner was actually out on the street waiting in position to hop in and grab the mailtruck? Is that your testimony?

A He was on the curb; he was not out in the street. He had to walk across.

Q But he was not in the van?

A Oh, no.

Q And his job, as you are telling it, was to stand by when Terry took the driver?

A No.

Q You were to take the driver?

A Right.

Q And what were you supposed to do? Were you supposed to run from this point down here and jump the driver?

THE COURT: Mr. Martin, he said that the van was to move down a block, to be followed by the postal truck, and when they got to the easterly side of Pearl Street West, between John and Fulton Street, then he was to take the

driver out of the truck and put him into the van. He has already said that while he was standing up next to the exhibit.

Q Was this a change in modus operandi from the last way you had planned it?

A The location was different.

Q So the scheme or the plan was not a scheme or a plan where Terry would go on one side of the truck and you would go on the other? That wasn't the scheme?

A At that time?

Q Yes.

A I was on the other side of the truck.

Q You were on the other side of the truck?

A Not directly, no, but I was on the other side.

Q Jack Turner was on the street and he was there purposely to drive the mailtruck away?

A That was his job.

Q And if the mailtruck followed the van he would get in the mailtruck and he would drive it?

A That is true.

Q When did Jack Turner tell you during these series of meetings for the first time that he would drive the mailtruck?

A From the beginning, from that Thursday on the

2 lot.

3 Q Jack Turner said he would drive the mailtruck?

4 A Yes.

5 Q He said he would get the ether?

6 A I didn't know who had the ether; I don't know who
7 got it.

8 Q And Chester would get the guns?

9 A Yes. Right.

10 Q Did you ever say how much the split would be?

11 A Equal amount.

12 Q And when you say equal amount, how many equal
13 amounts?

14 A About six.

15 Q Who were the six?

16 A It was Chester, Tommy, Jack, Mike, Terry, myself.

17 Q Chester, Tommy, Jack, Mike, Terry and yourself?

18 A That is true.

19 Q How about Harry?

20 A No.

21 Q You are sure it was not a five-way split?

22 A Six.

23 Q If I told you that Terry said it was a five-way
24 split, would you say that he was incorrect?

25 A Yes.

Q Harry Johnson was one of your partners?

A He was not a full partner.

Q This money you were going to get, your one-sixth split, you were going to take this and invest it in an art supply house with Harry?

A It depends on the amount of the split.

Q My recollection is that Terry, I believe it was, testified that you and Harry were going to go into a business in New York. Are you familiar with that at all?

A Terry didn't know what Harry and I had planning.

Q Will you tell us what you and Harry had planned about going into business, not in Washington, in New York?

A In New York?

Q Yes.

A I didn't have any plans going in business in New York. I don't know anything about New York.

Q Wasn't your share supposed to be used to open an art supply house with Harry?

A No, not as far as I know.

Q You never had any conversation about that?

A Art supply?

Q Yes.

A No. I can understand how you got that assumption.

Q Can you tell me how you understand that?

1 A Because that is Harry's line of work. He is
2 an architect; he is an artist; so I can see how Terry
3 may have thought that.

4 Q You never told Terry that your proceeds were
5 going to go to open up an art shop?

6 A In those exact words, no.

7 Q Did you use any words similar to that?

8 A I can't recall I did, no.

9 Q Did you ever have any conversation with Chester,
10 with Jack, with Terry or Harry or Paul Crawford about
11 stealing mail bags?

12 A Stealing mail bags?

13 Q Just in the context of this robbery here?
14 I am asking you, have you ever had any conversation with
15 any of those individuals about stealing mail bags?

16 A You mean individual mail bags?

17 Q Yes.

18 A No.

19 Q Well, on this April 5th date, there was some
20 testimony that you fired several shots on that date.

21 A I did.

22 Q Do you recall how many shots you fired?

23 A I believe it was four.

24 Q How many shots does your gun hold?

2 A Six.

3 Q How many bullets were in your gun?

4 A Four.

5 Q So, in fact, you emptied your gun?

6 A Yes.

7 Q You emptied your gun in which direction?

8 Maybe you can point out on the map, if you will, please.

9 (Witness points to map.)

10 THE COURT: Pointing south on William Street.

11 MR. MARTIN: Thank you.

12 THE COURT: You may come back and sit down.

13 (Witness resumes witness chair.)

14 Q When you were discussing your job with Terry and
15 with Chester and with Harry and with Turner, did anyone
16 of them ever tell you to be careful with that gun, and
17 not to shoot anybody?

18 A Yes. Not in those exact words, no.

19 Q But you, in fact, were being very careful with
20 the gun and you didn't want to shoot anybody?

21 A No.

22 Q Did you ever have any conversation with Terry
23 about the use of the gun and how you should be careful in
24 using the gun?

25 A Conversation? No. It is common sense.

1
2 Q Did Terry say or did you say at any time during
3 all of these meetings, "We don't want to burn anybody"?

4 A I don't think we used "burn."

5 Q What word would you use?

6 A We didn't want to shoot anybody.

7 Q You didn't want to shoot anybody?

8 A No.

9 Q And Chester Crawford didn't want anybody shot?

10 A No one in his senses would want anybody shot.

11 Q So when you went out to do this job, you and Terry
12 went down there with those guns; you didn't intend to shoot
13 anybody, did you?

14 A No, that wasn't my intention, no.

15 Q And you had no malicious thoughts about shooting
16 anybody, did you?

17 MR. KENNEY: Objection.

18 THE COURT: Overruled.

19 MR. KENNEY: It is the province of the Court to
20 determine from the facts.

21 THE COURT: He can ask whether he had any
22 thoughts.

23 THE WITNESS: Did I intend to shoot anybody?

24 Q Did you have any malicious thoughts about shoot-
25 ing anybody?

THE COURT: I don't know what that means. I will sustain that.

MR. KENNEY: We object to the witness concluding whether his thoughts were malicious or not. You will charge on the law as to what malicious is at the end of the case.

THE COURT: That is true.

Q As a matter of fact, though you were with Terry, Chester, Harry and Jack Turner, you didn't want anybody shot?

A No one in the group wanted anybody shot.

Q And nobody intended that anybody be shot?

A No.

Q And the man who was shot was accidentally shot?
Is that correct?

A Yes.

Q And you discussed it as being an accidental shooting afterward, after the incident? Did Terry tell you it was an accidental shooting?

A Yes, he did.

Q Did you agree that it was accidental?

A I had to. I didn't see the actual shot. I only had to go by what he said.

Q Now, March 22 was a very busy day? Is that right?

1 A No, not particularly. It was not busy.

2 Q It was not a busy day?

3 A No.

4 Q You didn't get up early, go out to Jersey and
5 rob a payroll and then come downtown again?

6 A We were already there.

7 Q You were already there?

8 A In New Jersey.

9 Q So you didn't have to travel from Williamsburgh
10 to Jersey? You were in Jersey and knocked off a payroll,
11 and then you came back to New York again?

12 A Right.

13 Q And that was also the day that you went shopping?

14 A Yes.

15 Q And that was also the day you registered in
16 the Ramada Inn?

17 A Right.

18 Q That was also the day that Terry returned to
19 Washington?

20 A No.

21 Q He didn't return to Washington on the 22nd?

22 A No.

23 Q He didn't take a shuttle flight down and back?

24 A Not on the 22nd.

Q You are sure of that?

A Positive.

Q And then later on that night you went over to New Jersey? Do you remember that? Or did you?

A That night?

Q Did you go over there that night?

A On the 22nd?

Q Yes.

A No.

Q You didn't?

A No.

Q Did you go any place that day?

A On the 22nd?

Q Yes.

A Out of New York?

Q Any place. Williamsburgh or Jersey? Did you go any place else?

A Went down to -- what is this place -- Maiden Lane area.

Q Was this after or before you released Terry's car?

A Terry's car wasn't there.

Q Was Terry's car impounded?

A Yes.

Q Didn't you go down to take Terry's car out of the pound?

A On the 22nd? No.

Q Did you have occasion to meet Turner that day?

A On the 22nd?

Q Yes.

A Yes.

Q Where did you meet him?

A In New Jersey.

Q Did you have occasion after meeting Turner in Jersey to meet him any other time that day?

A That day? No.

Q You didn't meet him down in the Wall Street area?

A No.

Q You say you met a man named Mike that day, too?

A Yes, I did.

Q Did you go to Katz's Delicatessen on that day?

A On the 22nd?

Q Yes.

A No, I didn't.

Q What time did you come back from New Jersey?

A It must have been around 12 and 1.

Q Can you give me the time span where you went to different places between then and until 8 o'clock that even-

ing? Just the time and the areas you went to.

A Beginning from where?

Q Beginning from 11 o'clock? Was that when you returned to New York?

A Yes, approximately that time.

Q Take it from 11 o'clock. Take it until 8 o'clock that evening on the 22nd and give me the time, approximate time and approximate places you were that day.

A Okay. We came back to the downtown area between 11 and 12. We spent approximately two hours shopping.

Q Excuse me. When you say the downtown area --

A We were shopping.

Q Where were you referring to when you say you were downtown shopping?

A It was one of those parking lot places. Where, I don't remember.

Q And that would be downtown here in New York?

A Near Leighton's -- not near Leighton's -- it was something like eight to ten blocks away from Broadway.

Q You took a cab?

A No. We walked.

Q You didn't take a cab?

A No, we took a cab back. We walked.

Q And when you took the cab back, where did you

take the cab back to?

A The parking lotplace.

Q The parking lot place was where?

A I don't know.

Q Was it uptown? Or downtown?

THE COURT: Uptown or downtown where?

MR. MARTIN: I am trying to find out.

THE COURT: The witness tells you he comes from Washington and he doesn't know much about New York. And I really don't think it makes much difference whether the parking lot is ten blocks from Leighton's or whether he walked or took a cab back.

MR. MARTIN: Am I precluded from asking him time?

THE COURT: You can ask him time. He can give you general ideas. Leighton's is on Broadway. Broadway runs from the Battery up to Yonkers.

Q In your general shopping, you did that from 11 o'clock until what time?

A From 11 to 12, to 1 or 2. It is about two, two and a half hours.

Q Where did you go after 2 o'clock?

A After we finished shopping we went to get the car, where the car was supposed to be. But it was not

there. So we asked one of these Mounted Policemen what happens to the car when it is not there. He said, "Well, if it is not stolen, it is taken down to the dock, 52." That is where they impound the cars. That is when we took a cab back to the parking lot place to get my car. And then from there we tried to find out the dock, and that is where we finally found it, and that is where Terry went in and found out that he have to have the registration to get the car out. From there we looked for a place to stay, and we saw this Ramada Inn, and we checked in there.

Q Now, about the registration with Terry, didn't, in fact, Terry go down to Washington to pick up the registration so he could get the car out?

A Yes, he did.

Q When did he go down to Washington?

A The next day.

Q The next day would be?

A The 23rd, Friday.

Q At morning or at night?

A Morning.

Q Did he fly both ways?

A I have no idea how he went.

Q Did you take him to a train?

1 A No, I stayed in the motel. I believe he said he
2 was going to take a cab some place. I don't know if he did
3 or not.

4 Q So you went with a cab back to your place, you
5 picked up your car, you went to a pound, you spoke to a
6 policeman, and after that you came back to your place, the
7 Ramada Inn?

8 A Yes, we checked in there.

9 Q What time was that?

10 A I would have to say around 4, I think.

11 Q 4 o'clock?

12 A Between 3 and 4; somewhere around that time.

13 Q Was Chester with you all during that period of
14 time, from 11 to 4?

15 A No.

16 Q Chester wasn't there at any of that time?

17 A No.

18 Q Let's take it from 4 o'clock now. Where did you
19 go after 4 o'clock?

20 A We had these numbers to call Chester. So I
21 believe Terry called what numbers he had and said where we
22 were, the Ramada number. So Chester got in contact. I
23 believe he called Paul and he said that he was coming back
24 to pick us up to go down to Maiden Lane. So Terry told
25

me to go down by myself to get the layout and see what I thought about the job. So Chester came back, and Paul and I went down there.

Q What time do you say Chester came by about?

A Around 5, I would say. I am not positive.

Q Now, at 5 o'clock when Chester came by had you previously spoken to Chester at all about the mail job?

A Yes.

Q When had you spoken to Chester about the mail job?

A The first day I came up.

Q That was the day before this?

A Yes.

Q Now, when Chester came at approximately 5 o'clock, you say, this was at the Ramada Inn he met you?

A Yes, it was.

Q Then where did you go, if any place?

A Down to Maiden Lane.

Q Down to Maiden Lane? And you went down there with Chester?

A Chester and Paul.

Q You went down with Chester and Paul?

A Paul, right.

Q Now, if I told you that when Paul testified he

mp30

Mann-cross

1204

said that he went down there with Terry and you and Chester on that day, would he be wrong?

A Yes.

Q When you went down there, did you go directly to the downtown area? Or did you stop some place?

A We went direct to the Maiden Lane-South Street area.

Q How long did you stay down there?

A I would say around anywhere from 20 minutes to around a half an hour.

Q Then you came on back?

A Yes. He dropped us off.

Q This was in Chester's car?

A Yes, it was.

Q You would have gotten back, say, around 7 o'clock?

A A little before.

Q While you were down there, the three of you, you say, what did you do? Cruise around in the car?

A Yes, we went through the routine again and waited for the mailtruck.

Q The three of you?

A Yes.

Q And then you followed the mailtruck, you say?

A Yes.

Q Did you get out of the car at all?

A No.

Q Did you have any conversations with anybody else other than the three of you?

A Did I?

Q Yes.

A No.

Q Did Chester have conversations with anybody else other than you and Paul?

A Yes.

Q In the car?

A No, not in the car.

Q Mr. Mann, did you people stay in the car or did you get out of the car?

A Myself?

Q Yes.

A I stayed in the car.

Q How about Paul? Did he get in and out of the car?

A No, he stayed.

Q Excuse me?

A He stayed in the car.

Q How about Chester?

A He got out.

Q Chester got out? And I parked the car?

A Yes.

Q Did he walk away from the car?

A Yes, he did.

Q Isn't it a fact that on April 5th, 1973, before you went downtown where this incident happened, that Terry at no time met in Katz Delicatessen with you?

A At Katz?

Q Yes.

A Yes, that is true.

Q Terry wasn't in Katz?

A In Katz? No, he was not. On the 5th? No.

Q Excuse me?

A On the 5th you are talking about?

Q Right.

A No, he was not in Katz.

Q He was off in an apartment some place?

A Yes, some place.

Q Isn't it a fact that Terry and you did not leave Katz, that you left Katz with Chester when you left Katz's store?

THE COURT: On the 5th?

MR. MARTIN: On the 5th.

THE COURT: He says Terry was never in there,

so how could he have left with him?

Q Now, there was some conversation before --

THE COURT: I think we better suspend now.

It is ten after six. Return tomorrow morning at 10 o'clock. We will start promptly tomorrow.

You may step down.

(Adjourned to December 19, 1973, at 10.00 A.M.)

WITNESS INDEX

1208

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Rocco DiGiorgio	968	974		
Cecelia Duda	982	990		
Ruth Dunning	996	1003		
Geoffrey Matthews Mann (Resumed)	1005	1126		
		1126		
James Hand	1050	1054		
Gilbert Snowden	1060	1064		
Peter Cafasso	1070	1083		
Julius Herman Helvey	1090	1092		
Joan Dietrich	1094	1112	1123	1123

EXHIBIT INDEX

<u>Government</u>	<u>Identification</u>	<u>In Evidence</u>
13, 16, 20		988
21, 22, 23, 24		999
15, 16, 17		1044
23, 29-7 through 29-C		1064
<u>Defendant Vincent McCloskey</u>		
H through I	1132	1133
J		1135

UNITED STATES OF AMERICA

vs.

73 Cr 855

THOMAS JOSEPH CARROLL, et al.

New York, December 19, 1973;
10.15 a.m.

Trial resumed.
--

(In the robing room.)

THE COURT: How much more time have you on cross-examination, Mr. Martin?

MR. MARTIN: I feel about 15 minutes, Judge.

THE COURT: Mr. Direnzo?

MR. DIRENZO: I don't expect we will be too long.

THE COURT: That will take care of Mann. The next fellow is Turner. That is the only one that I can think of that is left.

MR. KENNEY: Your Honor, we have four witnesses in the witness room who are going to testify with regard to the contents of the mailtruck and they will only be a very few minutes each. Mr. Mann is not up here. Although we request him every day at 9 o'clock, we get --

THE COURT: Mann isn't here?

MR. KENNEY: He is not in the witness room.

MR. HAFETZ: Are the defendants here?

2 MR. KENNEY: I think the defendants are now down--
3 stairs, yes. So we would to go ahead with these
4 witnesses, unless the defense counsel object to that.

5 MR. DIRENZO: I have no objection.

6 THE COURT: Can't there be any stipulation
7 as to what the contents of the mailtruck are?

8 MR. DIRENZO: This is the first time I am getting
9 hit with it, so --

10 THE COURT: Tell him what you have.

11 MR. KENNEY: Not that that is an important
12 issue, but I had asked all of the counsel who would come
13 to my office the Friday night before trial to go over
14 stipulations, and we didn't reach it.

15 THE COURT: We will pass the Friday night before
16 trial. We are now here.

17 MR. KENNEY: We wish to prove there were a number
18 of bags on the mailtruck and that six of them would have
19 gone to the general post office on 33rd Street and Eighth
20 Avenue and that those six bags contained slightly less than
21 \$2,000,000 negotiable securities. We have the exact
22 amount. I don't have it on my tongue now, but it is one
23 nine something.

24 THE COURT: When you get up to that figure it
25 doesn't make any difference whether you are 10 per cent.

more or less.

Do you want formal proof on it?

MR. DIRENZO: Frankly, as far as I am concerned, I wouldn't require formal proof, your Honor, but if you have one, at least one witness who can describe the operation at the Federal Reserve Bank, who is familiar with the way the trucks are loaded, I would like to be able to ask that witness just a few questions.

THE COURT: Is that the type of witness you are producing?

MR. DIRENZO: I say, do you have a witness who is familiar --

MR. KENNEY: To go step by step, we are calling a witness to show the custody of the mail truck from the time it was stopped at the scene of the crime until the time it was brought to Church Street Station around midnight that night. If we can reach a stipulation on that, fine.

Then we are calling a gentleman from the Federal Reserve Bank --

MR. DIRENZO: That is what I am interested in.

MR. KENNEY: -- to put in some business records which have declared the values on them.

MR. DIRENZO: Would that man be familiar with the loading and unloading process at the Federal Reserve

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-6560

Bank?

MR. KENNEY: I have to ask him. I think he would.

MR. DIRENZO: That is all I am interested in. When I speak, I am speaking for myself, and hopefully for all of the other defendants, unless they don't agree.

THE COURT: Who is your next witness?

MR. KENNEY: We would call a witness from the general post office to put in some business records, and then we would call the postal inspector.

THE COURT: What business records, so they know what they are going to concede?

MR. KENNEY: The business records are what would be, in effect, the bills of lading inside the mail bags, after they had been rerouted and delivered, and that is why we are talking about the bags that went to the general post office. The other bags that went to Chicago and Washington, we are not going to bother with. And the records would be what they call manifolds of registered mail, which are made out by the mailers and a copy given to the post office; the post office puts it in the bag with the registered mail. It has declared values on it which are declared by the people who mail it.

Then we would call Inspector Kenerson, who

1 jkp5

2 is the man who inventoried the mail, and he would be able
3 to identify on the business records which came in from
4 the general post office the change in number on the
5 manifold of the registered mail, where he took it out,
6 verified the mail was in the bag, put it back in, changed
7 the number on the manifold bill. The reason for that is
8 that when he puts back a mail bag he changes the rotary
9 lock and it goes up one number. And then he would just
10 simply say that he has taken all these documents and
11 added them up, and the total amount is so-and-so.

12 The reason for calling the man from the Federal
13 Reserve Bank is that the Federal Reserve does not send along
14 it calls its manifolds a manifest, and it sends along only
15 an identifying slip, but it does not send along the manifest,
16 and so we have to call him from the bank. That's it.

17 MR. HOPPER: I would stipulate.

18 MR. DIRENZO: I think so.

19 THE COURT: Mr. Martin?

20 MR. MARTIN: I am sorry, your Honor, I don't want
21 to appear -- I will keep it very short, but I think this could
22 be crucial evidence if it is admitted in. It is sort of
23 remote. You are talking about April 5th?

24 MR. KENNEY: I am talking about the mailtruck.

25 MR. HOPPER: May we confer, your Honor?

1 THE COURT: Yes, sure.

2
3 MR. DIRENZO: You can talk to him. I know
4 about it. Go ahead.

5 THE COURT: Off the record.

6 (Discussion off the record.)

7 THE COURT: Yes, Mr. Martin?

8 MR. MARTIN: Your Honor, I feel it is crucial I
9 examine.

10 THE COURT: What is crucial about it?

11 MR. MARTIN: If there is going to be testimony
12 about bags coming in, that the truck contained certain
13 registered securities on April 5th, I think it is very
14 important that we find out what was on the truck on the
15 other days when the attempts were made. I think it is
16 crucial.

17 THE COURT: What is crucial about it?

18 MR. MARTIN: There has been testimony in the
19 record that they went down to take this truck three or
20 four times before.

21 THE COURT: Right.

22 MR. MARTIN: And that kind of accidentally they
23 didn't take it that day, and I think it is essential that
24 if they are going to put that was in there on April 5th,
25 that the other evidence come in as to what was in there

jhp7

on the other days. I think that is crucial.

THE COURT: Do you agree with that, Mr. Hopper?

MR. HOPPER: I have got to say, in all candor, I disagree.

THE COURT: Mr. Hafetz?

MR. HAFETZ: I have no objection to this coming in.

THE COURT: I can't see it. As I gather it, Mr. Martin, I said before, and I will say it again, you have objected to every piece of evidence that has come in. You have voir dired yesterday on every bit of business record, and a business record isn't hearsay; a business record is the exception to the hearsay rule.

You get a girl from a bank; all she did was brought in some records. She knows nothing except these are the records she keeps.

Now, what more can she tell you?

But you insist on voir diring her and cross-examining for no point whatsoever, not in the trial of this case, in the issue in this case.

Now, there is no doubt that Hickey was killed. You dispute that?

MR. MARTIN: Well, if your Honor please, I --

THE COURT: Do you dispute that Hickey was killed? Because I am going to tell the jury there is no dispute that Hickey was killed.

MR. MARTIN: That is your Honor's prerogative, but I am here to represent the defendant.

THE COURT: I am asking you a question. Do you dispute that Hickey was killed?

MR. MARTIN: It is my own feeling that Hickey was killed after listening to Myers and Mann.

THE COURT: What do you mean your own feeling? You are a lawyer.

MR. MARTIN: I understand.

THE COURT: An officer of the court.

MR. MARTIN: That's right.

THE COURT: Are you disputing that Hickey was killed?

MR. MARTIN: Well, can I explain to your Honor?

THE COURT: I want to know because I am charging the jury that there is no dispute that Hickey was killed, and if you are going to dispute it, I want you to put on the record the basis for your dispute.

MR. MARTIN: Well, as I see it, Hickey was killed by two men, or two men actually participating in the crime

jkp9

that we know of from the stand. I don't think my man killed Hickey. I don't think he was involved in that. Hickey is dead and from a bullet wound on that day, my feeling is, that was shot by Terry Mann. I believe that.

THE COURT: So there is no dispute that Hickey was killed.

MR. MARTIN: That's right. He died on that day from a bullet wound.

THE COURT: There is no dispute that there was an attempted robbery of the mailtruck on that day? You dispute that your man was involved in it.

MR. MARTIN: I dispute many of the factual details without question.

THE COURT: You are disputing that there was an attempted robbery on that day of a mailtruck?

MR. MARTIN: Well, there is evidence in the record by Terry that it took place on April 3rd.

THE COURT: Off the record.

(Discussion off the record.)

T2

(Proceedings continued in the courtroom
with the jury present.)

THE COURT: Before we start, I just want to tell
you ladies and gentlemen that while it is quarter to 11,
counsel and the Court have been conferring for the last
three-quarters of an hour in an attempt to shorten the
testimony that you would have to hear.

Call your witness.

MR. KENNEY: Louis Prettitore.

LOUIS PRETTITORE, called as a witness
on behalf of the government, being first duly
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Prettitore, what is your occupation?

A At the present time I am a vehicle operations
analyst.

THE COURT: With whom?

Q Whom do you work for?

A The Postal Service.

Q How long have you been employed by the Postal
Service?

A 36 years.

Q How long have you been a vehicle operations

analyst?

A Approximately 12 years.

Q Directing your attention to April 5, 1973, about 6.30 in the evening, can you tell us what you were doing on that day at that time?

A I was out on duty. I received a call by radio.

Q Did you go any place after you received that call?

A I proceeded to Beekman and William Streets.

Q Is that here in Manhattan?

A Manhattan.

Q What time did you arrive at Beekman and William Streets?

A Prior to 7.00 p.m.

Q Will you tell us when you arrived what you saw?

A There was some confusion around the mailtruck, and the mailtruck was in the middle of the street and it was being guarded by the City Police.

Q What did you do?

A I examined -- I visually examined the outside of the truck to see that it was secured.

Q Would you describe this mailtruck to us, please?

A It is what we call a large 5-ton vehicle,

International make; it is a panel body.

Q Is the cab or the driver's portion separate from the rest of the truck?

A Yes, it is.

Q How was the truck secured?

A The rear of the truck is secured by a locking device and a post office lock.

Q Could you see that from the outside?

A Yes, visual inspection, it was locked.

Q Now, if you know, who has a key to that lock?

A What we call the dispatcher at the station, clerk-dispatcher, who sends it out, and the man who receives it at the stations.

Q So that the driver or guard on the truck would not have access to the inside of the body? Is that right?

A No, sir.

Q Did there come a time when you left the area of Beekman and William Streets?

A After the police were finished fingerprinting the inside of the truck, we transported the vehicle over to the station.

Q What time of day was that?

A It was after midnight the following day.

Q When you say you transported it to a station,

1 where did you take it?

2 A We had another driver drive it to Church Street
3 Postal Station.

4 Q As the truck was going from Beekman and William
5 Streets to the Church Street Station, where were you?

6 A I was in my car, government car, and I led
7 the way over to the station.

8 Q So that the truck was right behind you?

9 A Yes, sir.

10 Q When you got to the Church Street Station what
11 did you do with the mail truck?

12 A It was driven in the south driveway and we
13 parked it at the extreme last bay prior to a left turn;
14 it was Bay 18.

15 Q Now, before you left the mailtruck that night
16 did you at any time have occasion to examine the cab of the
17 mailtruck?

18 A Prior to leaving the scene of the crime I
19 examined it and found it was full of blood.

20 Q Where was that?

21 A Right over the seats of the driver and the convoy.
22 MR. KENNEY: I have no further questions of this
23 witness.

24 THE COURT: Mr. Direnzo?

CROSS EXAMINATION

BY MR. DIRENZO:

Q Mr. Prettitore, you say in examining the seat on this specific truck you saw blood?

A Yes, sir.

Q Where specifically on the seat or seats did you see blood?

A It was mostly in the center and towards the driver's seat.

Q With reference to the key that is required to either lock or unlock that enclosed portion of the truck, you say that is not within the control of either the guard or the driver of the truck? Is that correct?

A Yes.

Q And you said that that key, that one is maintained by the dispatcher at the point where the truck leaves the barn, so to speak, or the bay, and the point where the truck is delivered, the man who receives it or the recipient of the load, he likewise has a key? Is that correct?

A Yes.

Q No one else has a key to that? Correct? No one else outside of the dispatcher and the recipient?

A The receiving clerk.

Q Has a key to that truck?

1
2 A Yes.

3 Q In other words, if you have to open either one
4 of those locks, you have to do it by force, by breaking the
5 lock?

6 A Yes.

7 THE COURT: How does somebody put mail on it?

8 THE WITNESS: At the dispatch point, at the
9 station where they load up.

10 THE COURT: Does that mean if the truck leaves
11 the Church Street Station or 34th Street, wherever it
12 starts, at every stop the truck makes, somebody there has
13 a key to open it?

14 THE WITNESS: Yes, sir.

15 THE COURT: But neither the driver nor the guard
16 have one?

17 THE WITNESS: They are not supposed to, no, sir.

18 MR. DIRENZO: I have no further questions.

19 CROSS EXAMINATION

20 BY MR. MARTIN:

21 Q This truck that you examined, are there running
22 boards where somebody can stand on the running board while
23 the truck is moving and reach in and hold on to the truck?

24 A Yes.

25 Q There are running boards on both sides?

1
2 A Yes, sir.

3 Q How wide are they?

4 A I couldn't describe the width, but wide enough.

5 Q It's not the kind of truck where you can step
6 up, so?

7 A No.

8 Q Did you ever find the bullet in the truck?

9 A I never examined the truck for a bullet, no.

10 MR. MARTIN: That is all.

11 THE COURT: Mr. Hafetz?

12 MR. HAFETZ: No questions.

13 THE COURT: Mr. Hopper?

14 MR. HOPPER: No questions.

15 THE COURT: Thank you very much.

16 (Witness excused.)

17 MR. KENNEY: The government's next witness is
18 Mr. Sagliano.

19 ANTHONY SAGLIANO, called as a witness
20 on behalf of the government, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. KENNEY:

24 Q Mr. Sagliano, what is your occupation?

25 A Banking.

1
2 Q Who are you employed by?

3 A Federal Reserve Bank of New York.

4 Q What are your duties at that bank?

5 A I am Chief of the Post Office Division.

6 Q How long have you been employed there?

7 A 15 years.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

jkd1

Sagliano-direct

1569a

1226

Q Will you tell us where that bank is, please?

A It is at 33 Liberty Street, Manhattan.

Q Does it face on Maiden Lane?

A Yes.

Q Is there an entrance or exit on Maiden Lane for trucks?

A Yes, there is.

Q And do you have a post office in the Federal Reserve Bank?

A The bank has a contract with the United States Postal Service and serves as a contract station.

Q Now, I show you what have been marked Government Exhibits 35 for identification and 36 for identification and ask you if you can identify those documents?

A Yes.

Q Would you tell us what Government Exhibit 35 for identification is?

A These are the bills that are placed in the sacks that are locked and sent out of our office to the General Post Office on registered mail.

THE COURT: What do you mean by "bills"?

THE WITNESS: They are referred to as bills notating the individual items within the sack.

Q And can you tell us what those sheets of paper

2 attached to those bills are?

3 A These three sheets are internal mail manifests
4 prepared by the operating areas of the bank who are originating
5 the preparation of the parcels.

6 Q And are those manifest copies of those manifests
7 placed in the registered mail sacks?

8 A No.

9 Q Now, would you look at Government's Exhibit 36 for
10 identification and tell us what that is.

11 A This is the bill or manifest which covers the
12 parcel and it is signed by the postal representatives who
13 receipt for the items from our people, my people.

14 Q Is there any relationship between 35 and 36 for
15 identification?

16 A The bill number or the lock number is placed at
17 the top.

18 Q Would you tell us what lock you are referring to?

19 A It is lock number R92287-30.

20 Q Is that the lock on the bag in which mailed items
21 represented by these manifests are placed?

22 A Yes.

23 Q So that this document refers to the bag that con-
24 tains these items?

25 A These items.

2 Q The meaning of Government's Exhibit 36 refers to
3 the entire bag?

4 A The entire bag.

5 Q In which the items identified by Government's
6 Exhibit 35 are held?

7 A Held, right.

8 Q Are you the custodian of these documents?

9 A Yes, I am.

10 Q Are these documents kept in the regular course of
11 the Federal Reserve Bank of New York's business?

12 A Yes, they are.

13 Q And is it the regular course of the Federal
14 Reserve Bank of New York's business to keep these documents?

15 A Yes, it is.

16 MR. DIRENZO: I have no objection.

17 MR. MARTIN: Your Honor, my only objection is to
18 the relevancy and non-connection.

19 THE COURT: Overruled.

20 (Government's Exhibits 35 and 36 received in
21 evidence.)

22 Q Now I am directing your attention to the three
23 pages of manifest which are attached to Government's Exhibit
24 35 and particularly to the last column --

25 MR. KENNEY: Well, may I withdraw that question,

xxx

1
2 your Honor?

3 Q And ask, can you tell us what was contained in
4 the sack, in the mail sack?

5 A These are municipal bearer bonds.

6 Q And looking at the last column on those three
7 pages, to your right, can you tell us what those figures
8 represent?

9 A Those are the declared or marketable value of
10 those securities.

11 Q Now, in particular, referring to items which are
12 numbered on the first page of the first manifest, 8, 9 and
13 can you tell us what those declared values were?

14 A Well, the declared value of those three items
15 are \$1,229,200, \$1,018,763.75, \$1,500,000.

16 Q And can you tell us if those items were in fact
17 contained in the mail sack which is represented by the docu-
18 ment in evidence, government's Exhibit 36?

19 A No, they were not.

20 Q Where did they go, if you know?

21 A They were dispatched on an earlier shipment,
22 3:00 p.m.

23 Q And were they dispatched, what shipment?

24 A They were delivered to General Post Office by
25 Brink's, Incorporated, who is accompanied by a postal repre-

sentative.

Q Can you tell us, if you know, who puts these declared values on the manifests; where does the information come from?

A From the department taking care of this type of business for the Federal Reserve Bank of New York.

MR. KENNEY: I have no further questions of this witness.

THE COURT: I am not quite sure I understand what you put in evidence. Mr. Kenney. You say Exhibit 35 shows manifests of shipments made at 3:00 o'clock.

MR. KENNEY: No. There are three items on the three pages which are not contained in the bag.

THE COURT: And the balance is contained?

MR. KENNEY: The balance is contained.

THE COURT: Well, what is the balance?

MR. KENNEY: Your Honor, we intend to call another witness who, in fact, has added these up.

THE COURT: We need another witness to add them? We have only one who will subtract. The next will add.

MR. DIRENZO: Maybe we can clear it up with this witness?

MR. KENNEY: Would your Honor like the witness to read the amounts?

1 THE COURT: Obviously, if he read the amounts
2 that were excluded, why shouldn't he read the amounts that
3 were included?
4

5 MR. KENNEY: Can I make an offer of proof of
6 what we intend to prove?

7 THE COURT: Yes.

8 MR. KENNEY: Shall I do it at the bench?

9 THE COURT: No. Go through it, Mr. Kenney.

10 What is your question? "Would you read, please"---

11 Q Would you please read all the amounts which are
12 listed as declared values, excluding the three which you
13 said were not in the mail sack?

14 THE COURT: How many are there?

15 THE WITNESS: There are actually five items not
16 included in the mail sack.

17 THE COURT: We want to know what is included in
18 the mail sack. How many items?

19 THE WITNESS: 69 items.

20 THE COURT: Oh, don't read them.

21 You have somebody who has already totalled them.
22 This witness hasn't totalled them?

23 MR. KENNEY: Yes, and others, your Honor

24 THE COURT: All right.

25 MR. KENNEY: We have no further questions.

THE COURT: Mr. Direnzo?

CROSS-EXAMINATION

BY MR. DIRENZO:

Q Mr. Sagliano, are you familiar with the loading and unloading of mail that goes onto or comes off of any given mail truck any given day?

A Somewhat.

Q Is it fair to state that a mail truck, in making a pick-up at the Federal Reserve Bank, pulls into a bay or a platform at the Federal Reserve Bank?

A Yes.

Q Now, there are, are there not, metal doors in front of or off the street or the sidewalk after the truck enters the bay; is that correct?

A The entrance doors to the bank, right.

Q And they are metal doors, correct?

A Yes.

Q And one is in the nature of a screen iron door and the others are solid doors; is that correct?

A Right.

Q And it is the practice, is it not, for security measures, of course, that when a truck makes entry into the Federal Reserve Bank, that each of those doors, sets of doors, are closed, is that correct?

1
2 A Yes.

3 Q And is it also fair to state that anyone who
4 might be on, I take it, Maiden Lane, looking in the direction
5 where the mail truck is being loaded or unloaded, that
6 nothing can be seen from the exterior, is that correct, as
7 to what is going onto the truck or coming off it, correct?

8 A If the solid doors are closed, yes.

9 Q And that is the practice, you stated already, to
10 keep those doors closed, correct?

11 A The grill or the solid doors.

12 Q Now, tell me, after examining the records which
13 you have examined here, and more specifically I think they
14 are Government's Exhibits 35 and 36, is it fair to state
15 that there was no cash on this contemplated delivery?

16 A Right, correct.

17 Q Is it fair to state that after examining the
18 manifolds and the documents before you, 35 and 36, that there
19 were no diamonds on this delivery?

20 MR. KENNEY: I am going to object.

21 THE COURT: From the Federal Reserve Bank?

22 MR. DIRENZO: From the Federal Reserve Bank.

23 Q Is that correct, sir?

24 A Right.

25 Q And after examining the documents previously

referred to, is it fair to state that there were no --

MR. DIRENZO: Question withdrawn.

Q There were some registered securities that constituted a part of this delivery as evidenced by the manifest?

A These are not registered securities.

Q They are not; they are unregistered securities.

A Unregistered securities.

Q After examining those documents, is it fair to state that they were not negotiable securities?

A No.

Q Can you say they were negotiable securities or were not?

A They were negotiable securities.

Q They were negotiable securities?

A Yes.

Q Incidentally, can you tell us whether there was any jewelry that constituted part of this shipment?

A The bank does not transact any business of jewelry.

Q Incidentally, with reference to the contents of any items that would be delivered to the mail truck from the Federal Reserve Bank, the only ones who would have the records or know specifically what was going onto a truck that was to make a delivery somewhere would be an employee of the

postal department?

A Correct.

Q Does the driver of the truck, himself, know what he is delivering, except that he only knows he is delivering mail bags?

A What he is receiving.

Q Yes, does he know at the point where he receives-- he doesn't know, and I think you testified that the manifest or whatever the designation is, is also locked into the bag.

A The internal manifests are not; just the postal manifests.

Q But the guard or the driver of the truck never has physical possession of those; is that correct?

A Right.

Q And that is so that he does not know, for security reasons, what he is carrying or shipping?

A Yes.

MR. DIRENZO: Thank you so much.

THE COURT: Mr. Martin.

CROSS-EXAMINATION

BY MR. MARTIN:

Q Mr. Sagliano, does your company, the Federal Reserve Bank, dispose of currency when it becomes worn or unuseable?

2 A Yes.

3 Q In disposing of that, don't you use a Brink's
4 armored truck to ship it from place to place, the currency
5 itself?

6 A There are armored carrier and registered mail
7 contracts for shipment of currency around the banking system.

8 Q And they were private firms?

9 A Yes.

10 MR. KENNEY: Objection, your Honor. Registered
11 mail obviously is not with private firms.

12 THE COURT: You said registered mail.

13 MR. MARTIN: He said he had contracts with
14 outfits.

15 THE COURT: Registered mail is registered mail.
16 It goes through a post office somehow.

17 THE WITNESS: It is an arrangement with the postal
18 service for the trucks to appear at the bank.

19 Q Is it your testimony that this used currency is
20 shipped by post office trucks through the mail?

21 A I don't understand the question.

22 THE COURT: You dispose of old currency?

23 THE WITNESS: Found amongst currency deposits.

24 THE COURT: Do you ship those by mail as well as
25 by private firms?

THE WITNESS: Certainly, certainly.

Q Is there any limitation on the amounts that you ship by mail?

A There are some restrictions.

Q Is there a point where you bring in an armored car?

A Those are used mainly even for the areas that are involved, distances.

Q That would be armored car depending on the areas and the distances?

A Yes.

Q On this day -- I believe you testified -- there were three items taken out of this manifest that you had totalling approximately 3,700,000, approximately. That is the 8, 9 and 10 items you testified to.

A There were two other items, five items.

Q Could you explain to us why they were taken from that truck and why they were shipped through a Brink's armored car?

A Because of the values involved.

Q In other words, when you have something very valuable, like those three items, you use a Brink's armored car?

A Yes.

Q On these unregistered securities that you testified to before, do they contain a legend prohibiting sale of the securities?

A No.

THE COURT: He said these were municipal bearer bonds.

Q So were there any registered securities -- unregistered securities here?

A These are unregistered.

THE COURT: Bearer bonds are unregistered.

Q They are bonds now?

A Municipal bonds.

MR. MARTIN: Municipal bonds. Thank you.

THE COURT: Mr. Hafetz.

MR. HAFETZ: No questions.

THE COURT: Mr. Hopper.

MR. HOPPER: I have no questions.

MR. KENNEY: We just have a couple of short questions, if I may ask them from right here.

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Sagliano, can you tell us how many bays or entrances there are into the loading area at the Federal

Reserve Bank?

A There are two entrances and approximately 12 bays.

Q Are there one or two doors on each of the entrances?

A They're double doors.

Q Is one door solid and the other door a grating?

A YES.

Q Now, you said it is a practice to have the door closed after the truck comes in. Can you tell us which door would be closed?

A Well, depending on the traffic involved, the grill would be always closed, and if it is a light period of the day the double doors would also be closed.

Q And would you tell us what the other two items are that were not included in the mail bag?

A Item number 14 and 17, \$80,000 and \$100,000 each, respectively.

MR. KENNEY: I have no further questions.

MR. DIRENZO: May I take the liberty to ask one more question?

THE COURT: Yes.

(Continued on page 1240.)

REXCROSS EXAMINATION

BY MR. DIRENZO:

Q Would you be good enough to show us on this map designated, I think, Government Exhibit 1, where the bank is located?

THE COURT: Will you step down, please.

(Witness at chart.)

Q And when you designate the point, may I take the liberty of asking you to mark it FRB, 3 separate letters.

THE COURT: First put your finger where it is.

THE WITNESS: Right here (indicating).

THE COURT: Is that where the X is?

THE WITNESS: Right where the X is.

THE COURT: No point to marking it the second time.

MR. DIRENZO: All right. Okay.

THE COURT: Thank you.

(Witness excused.)

THE COURT: Next witness.

MR. KENNEY: Government's next witness is Mr. DelPrincipe.

(Continued on page 1241.)

V I N C E N T D E L P R I N C I P E, called as a
witness by the government, having been first duly
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Del Principe, can you tell us what your
occupation is, please?

A I am supervisor in charge of the record room at
the Registry Division in GPO.

Q How long have you been so employed?

A This particular job, two years.

Q I show you what have been marked Government's
Exhibits 37, 38, 39, 40, 41 and 42 for identification.

Would you take a moment and review those docu-
ments?

And would you tell us what documents 37 through
41 are, for identification, please?

A These are what we call contents bills or pouch
bills.

Q Are you the custodian of those documents?

A Yes.

Q Are you also the custodian of document 42?

A Yes.

Q Will you tell us what that one is?

A This is an advice from the Federal REserve advising certain articles that they enclose in a pouch and dispatch to GPO.

Q And when you receive those contents bills, will you tell us where they are, when they first come to GPO.

A Well, they come into the division and they are recorded on a form arrival sheet with a lock and rotary number.

Q When they first get there, are they contained in anything?

A Yes.

Q What are they contained in?

A In a pouch, a canvas pouch, rotary lock canvas pouch.

Q Is the pouch locked?

A Yes, with a rotary lock.

Q What is a rotary lock?

A It is a brass lock used by the post office. It has a serial number and a rotary, what we call a window, and every time that lock is opened, the rotary would advance one digit.

Q What is the significance of the number on that lock in connection with those documents?

A That is to preclude any possibility of it being

opened in transit.

Q Once the documents are removed from the pouch at the General Post Office, what is the next thing that is done?

A Well, the total amount is posted and then it is brought into the record room for filing and storage.

Q I am not sure whether I have asked you this question. Are you the custodian of those documents?

A Yes, I am.

Q And I am referring to Government's Exhibits 37 through 42. Are they kept in the regular course of the post office's business?

A Yes, they are.

Q And is it the regular course of the post office's business to keep those documents?

A Yes.

Q Now, directing your attention to government's Exhibit 37 for identification, could you tell us what this first small piece of paper on top is?

A Well, this is a recap of all the contents in the bag. That includes in this certain rotary lock pouch.

Q When is that recap made out?

A This is made up by the dispatching clerk at this particular station. According to the postmark it is Wall

Street.

Q What are the papers which are attached to that recap sheet?

A These are private forms that are used by heavy mailers of registered mail and to save time and waiting on lines at the postal service, we have allowed them to enter all their mailings on this form and supply us with a third copy for our records.

Q Now, directing your attention to the second to last column marked column 7 on this first page under the recap sheet, would you tell us what those figures are there?

A Well, this is the declared value of each of these articles.

Q And who declares that value, if you know?

A The mailer.

Q Is there any relationship between that value and the postage paid?

A Yes.

Q And what is that relationship?

A Well, the fee paid for registered mail is a graduated scale. The minimum fee is from 95 cents for \$100, and each \$100 would increase the fee.

(Continued on page 1245.)

Q Now, have you had a chance to review these documents, before you came here to testify today?

A Yes.

Q Can you tell us if Government Exhibits 38, 39, 40 and 41 are similar to Exhibit G7 in that they have a recap sheet and attached sheets by the mailer with declared values?

A Right. They are all alike.

Q Government's Exhibit 42 for identification does not have any such attached sheet?

A No, this is a regular form; it is a postal form.

Q I show you Government's Exhibit 36 and ask you to compare it to Government Exhibit 42 for identification and tell me if there is any relationship between those two documents.

A Well, this is a dispatch bill advising a rotary lock pouch.

Q Does it have any connection or relationship to this exhibit here, Government's Exhibit 42 for identification?

Perhaps I will remove the exhibit number from 42.

A I don't see anything here. This is an advice for a rotary lock pouch that was signed by a Mr. Hickey, that he received it -- well, I can't make out this name -- presumably this was advising going to GPO registry, but the contents bill isn't here -- yes, here it is.

Q Will you please tell us what the relationship is between Government's Exhibit 42 for identification and Government's Exhibit 36 for identification?

A Yes. Now, this is a pouch bill for this rotary lock pouch under Rotary No. 30. This, in turn, is advised and signed for by Mr. Hickey. This must have been an unusual pouch; it contained three articles.

MR. DIRENZO: I move that that answer be stricken.

THE COURT: You mean "unusual"?

MR. DIRENZO: Yes.

THE WITNESS: This is a registered pouch. This is the pouch bill that was in the pouch advice, three articles. This is the bill advising this pouch and they have a release here from Mr. Hickey, that he accepted this pouch for onward dispatch to GPO.

Q As you say that, you're referring to Government's Exhibit 36?

A Right.

THE COURT: Have you completed your examination of the witness?

MR. KENNEY: No, your Honor. I am offering these exhibits in evidence and I am showing them to defense counsel.

MR. MARTIN: No objection, your Honor.

THE COURT: Received in evidence.

(Government's Exhibits 37 through 42 for identification were received in evidence.)

MR. KENNEY: We have no further questions of this witness.

THE COURT: Mr. Direnzo?

MR. DIRENZO: No questions.

THE COURT: Mr. Martin?

CROSS-EXAMINATION

BY MR. MARTIN:

Q These documents are sent to the post office before or after the truck makes the delivery?

A No, they are enclosed in the pouch.

Q Of the truck itself.

A The pouch itself.

Q And where is the pouch located?

A In the truck.

Q So that the delivery of the items and the delivery of the pouch is simultaneous?

A Yes.

Q And you don't see that before the actual delivery is made?

A Right.

MR. MARTIN: Thank you.

THE COURT: Mr. Hafetz?

MR. HAFETZ: No questions.

THE COURT: Mr. Hopper?

MR. HOPPER: No questions.

THE COURT: Thank you very much.

(Witness excused.)

MR. KENNEY: The government's next witness is
Inspector Scott Kenerson.

DONALD SCOTT KENERSON, a witness called
on behalf of the government, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Kenerson, what is your occupation?

A I am a postal inspector.

Q How long have you been so employed?

A About two years.

Q Directing your attention to April 6, 1973, the
morning of that day, did you have occasion to go any place?

A Excuse me?

Q Did you go any place?

THE COURT: What date?

THE WITNESS: April 6, 1973, in the morning.

A Yes, sir, I went to the Church Street station on

that morning.

Q When you got to Church Street Station what did you do?

A I had been told there was a vehicle downstairs in the deck area. I was to verify the mail that was on this truck.

Q Did you go to that vehicle?

A Yes, I did.

Q Will you tell us where the vehicle was located?

A It was located in the deck area of Church Street Station, on the south side of the building, in the last bay.

Q Was the truck locked or unlocked?

A The back of the truck? The back of it was locked. The front, I'm not sure of.

Q Did you have the back opened?

A Yes, we did.

Q How did you do that?

A We had a foreman on the deck bring a key, unlock the padlock that was on the back and open the truck.

Q After the back of the truck was opened, will you tell us what else you did?

A After it was open we went into the truck and sorted out the mail, taking out the registered mail and placing it on skids.

Q Would you tell us, if you recall, exactly what was in the truck?

A There were 22 pouches of registered mail, 19 outside parcels which were also registered mail.

Q What do you mean by outside parcels?

A It is a parcel which is too big to fit into a sack or a pouch, so it is handled as the piece itself.

Q What else was in the truck?

A There were also 20 sacks of first-class mail, one outside special delivery parcel, two sacks of special delivery mail, and six sacks of third class mail.

Q Now, with regard to the 22 registered sacks, would you tell us what you did?

A After we placed the mail on the skids we took this up to the inspection service office, where we began to verify the mail.

Q Would you tell us what a skid is or skids?

A A skid is -- it's a pushcart type of thing; it has wheels on it, and it is used to transport mail.

Q What exactly did you do with those sacks when you got them to the inspection office?

A Well, we began to verify the sacks by opening the sacks and verifying the contents of each sack, and in a few cases we couldn't open the sacks because they had special

locks on them and these were verified by rotary lock number and verifying the condition of the sack also.

Q When you opened the sack, did you find any documents inside?

A Yes, sir.

Q Did you do anything with those documents?

A Yes, sir. This is what we verified the mail from.

Q After you verified the contents of a single sack, what did you do with the documents?

A Well, we indicated on the document that we had opened the sack there was a change from the rotary lock number, so we indicated that, placed the document back in the sack, closed it back up, and it was prepared to be dispatched on to its destination.

Q When you finished doing that with the 22 registered pouches, where did they go?

A Well, they all were placed on a vehicle to the General Post Office, where some of them were destined for the General Post Office. Other ones, there was a transfer point; they would go on to their ultimate destinations.

Q Were they, in fact, re-mailed?

A Yes.

Q Now I show you Government's Exhibits 37 through

42 and ask you to take a look at those documents.

Can you identify them?

A Yes, sir. These are the documents that were in the sacks.

Q How can you identify them?

A In one case my initials are on one showing that I opened this at Church Street Station, and in the other cases, the initials of a special investigator assigned to me are on these documents.

Q Who is that special investigator?

A His name was Rudy Nero.

Q Was he with you at the time that you went through these sacks?

A Yes.

Q Was he under your supervision at that time?

A Yes, sir.

Q Can you tell us how many of the 22 registered pouches those documents represent?

A Six.

Q I show you also Government Exhibit 35 and ask you if you have seen the document before?

A Yes, sir, I have.

Q When did you see that for the first time?

A Sometime last week.

Q Now, have you had occasion to make an addition of the figures in the right hand column of Government Exhibit 35 and the figures in the second right hand column of Government's Exhibits 37 through 42?

A Yes, I did.

Q Directing your attention to items 8, 9 and 10 on Government's Exhibit 35, did you include or exclude those items?

A They were excluded.

Q Did you exclude any other items on that document?

A Yes, sir, I believe there were two others; I think item 13 and 17, I believe.

Q Now, when you added up those figures did you come to a total amount?

A Yes, sir.

Q What was that total amount?

A Are you asking just for the Federal Reserve or all of those?

Q All of those figures.

A The total declared value was \$1,990,869.32.

Q Can you tell us what the destination of those six pouches was?

A The General Post Office in New York.

Q What was the destination of the remaining .

sixteen pouches of registered mail?

A Various destinations; Church Street Station; Chicago, Illinois; Parkersburg -- I believe Virginia or West Virginia -- and Washington, D.C.

Q They were headed for stations other than the General Post Office?

A Yes, sir.

MR. KENNEY: I have no further questions of this witness.

MR. DIRLENZO: No questions.

CROSS-EXAMINATION

BY MR. MARTIN:

Q This declared value, you obtained the value from the declarations of what people say the value of the contents of the mail is?

A Yes.

Q You don't know of your own knowledge what that value is?

A No, sir.

Q And you don't know, in fact, what is contained inside of the documents themselves?

A Inside of the envelopes?

Q Inside of the envelopes.

A No, sir.

Q You don't open the envelopes to see what is in there?

A No, sir.

Q And on this truck there was also some regular mail?

A Yes, sir.

Q To your knowledge there was no special delivery?

A There was some special delivery mail.

Q There was regular mail by the post office, besides the other items you have testified to?

A Yes.

MR. MARTIN: Thank you.

MR. HAFETZ: No questions.

MR. HOPPER: No questions.

THE COURT: Thank you very much.

(Witness excused.)

MR. KENNEY: We will resume cross-examination of Mr. Mann at this time.

THE COURT: We will have a short recess before we conduct the cross-examination of Mr. Mann.

(Short recess.)

xx 2 G E O F F R E Y M A T T H E W S M A N N, resumes.

3 (Mr. Murray Mogel, attorney for Mr. Mann, takes
4 a seat next to the witness chair.)

5 THE CLERK: Mr. Mann, the Court wishes you to
6 know that you are still under oath.

7 THE WITNESS: Yes.

8 CROSS-EXAMINATION

9 BY MR. MARTIN (Continued)

10 Q Mr. Mann, on June 14, 1973, did you testify in
11 this building in front of a Grand Jury?

12 A I testified. I don't remember the date.

13 Q Well, was it in or around that area of June?

14 A YES.

15 Q And questions were put to you by Mr. Kenney and
16 answers were given by you?

17 A Yes.

18 Q Do you recall these questions and answers:

19 "Q Now, would you tell us, on March 22, the
20 next day, what was the first thing that you did on that day
21 in connection with this matter?

22 "A That day Chester came back and we followed
23 him to a vacant lot somewhere in New Jersey, and there I met
24 Mike and Jack."

25 MR. KENNEY: May we have the page number on this?

1 THE COURT: Is it marked by page number?

2 MR. KENNEY: Page and initials.

3 MR. MARTIN: EJC-2.

4 THE COURT: Go ahead.

5 Q Do you remember this question and answer?

6 "Q Now, after that meeting did you go to the
7 Ramada Inn in Manhattan with Terry Myers and check in?

8 "A Yes, sir.

9 "Q And later that same evening, on March 22,
10 did Chester Crawford pick you up and take you down to lower
11 Manhattan?

12 "A Yes, sir.

13 "Q Would you tell us who was with you on
14 that occasion?

15 "A Well, Paul was with me and Terry.

16 "Q And did you go near a fish market on
17 Fulton Street, in the vicinity of Fulton Street, in lower
18 Manhattan?

19 "A Yes, sir.

20 "Q And at that time did Chester get out of the
21 car and meet Tommy and Mike on the sidewalk?

22 "A Yes, sir.

23 "Q Did he have a conversation with them?

24 "A Yes, sir."

25 SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4450

1
2 Going over to page EJC-4 --

3 MR. KENNFY: Your Honor, I don't know what the
4 question is.

5 THE COURT: Neither do I. Come to the bench.

6 MR. MARTIN: Your Honor --

7 THE COURT: If you want to put on the record
8 the reason for it before I rule on it, you may appear at
9 the bench.

10 (Continued on page 1258)

Carroll

(At the bench.)

MR. MARTIN: On the 22nd, his testimony that he went to the Ramada Inn, and they did nothing else that day. I was leading into that. Here is the testimony.

MR. KENNEY: My objection, your Honor, is that Mr. Martin has read more than six questions and answers without eliciting any response from the witness. I think it is too confusing.

THE COURT: The witness has said yes, he gave the answer.

MR. KENNEY: I don't believe he said anything since he answered yes to the first question and answer.

MR. MARTIN: I will withdraw it.

MR. KENNEY: I just ask that he be asked if he can recall what the question was.

THE COURT: I understand.

MR. DIRENZO: Might I suggest that maybe Mr. Martin should preface these questions with --

THE COURT: I understand he has withdrawn the question.

MR. DIRENZO: -- did you so testify, and then follow it up. That might be a better way to do it.

THE COURT: Go ahead. I gather he withdrew the question.

(In open court.)

BY MR. MARTIN:

Q On June 14, 1972, when you testified before the Grand Jury, did you tell the Grand Jury that Chester dropped you off at the Ramada Inn on the 22nd of March?

A At which time?

Q Did there come a time when he dropped you off at the Ramada Inn?

A Yes.

Q And did you tell that to the Grand Jury?

A I don't recall right now if I told them that. Whatever is in the statement.

Q Do you recall this question and this answer:

"Q And did Chester then drop yourself and Terry Myers and Paul Crawford off at the Ramada Inn?"

And you answered, "Yes, sir."

Do you recall that?

If it's in there, yes, I guess so. If it's in the statement.

Q And the next question:

"Q And subsequent to being dropped off at the Ramada Inn, did you do anything else that day in connection with this robbery?"

"A Um, no."

Do you remember that answer?

A Yeah.

Q And the next question:

"Q Now, on the next day, which was March 23, 1973, did you return to Washington in the morning of that day?

"A I believe that was the date.

"Q Was that Friday, if you recall?

"A Yes, I believe it was."

Now, isn't it a fact that on direct testimony in this case you testified that after you returned to the Ramada Inn on March 22nd that you did many things?

A No.

Q You don't recall?

A No, I didn't say we did many things when I returned to the Ramada Inn, after meeting at Maiden Lane.

Q You don't recall going down to the police pound to get Terry's car?

A Not on the 22nd.

Q Not on the 22nd. Do you remember leaving for Washington early on the next morning, the 23rd?

A No, we didn't leave for Washington on Friday.

Q But you told the Grand Jury you left Washington in the morning on the 23rd.

1
2 THE COURT: Left Washington or left for
3 Washington?

4 MR. MARTIN: I'm sorry. Thank you.

5 Q Left New York for Washington on the morning of
6 the 23rd.

7 A If that's what it said in there, it's an error.

8 Q And that's what you told them?

9 THE COURT: There are two things; did he give
10 the answer, and if he did give the answer, was it true?

11 MR. MARTIN: Let me reread the question, if your
12 Honor please.

13 THE COURT: You have read it. He knows what it
14 says. He says it is in error. That is what I am trying to
15 point out to you.

16 Q So you told the Grand Jury an erroneous statement?

17 A It was incorrect.

18 Q It wasn't correct?

19 A Pardon?

20 Q It was not correct?

21 A No.

22 Q You also did not tell the Grand Jury that on
23 the 22nd you supposedly participated in a robbery in New
24 Jersey?

25 A I wasn't asked.

Q You weren't asked.

Weren't you, in fact, asked at the Grand Jury if anything else happened on that day, that is, the 22nd?

A The only thing I was asked, I don't remember if it was at the conclusion, after -- you will have to look at the statement, what the question was.

MR. KENNEY: I ask Mr. Martin to refer to the question.

THE COURT: Was he asked such a question?

MR. MARTIN: I'm not reading from the paper. I'm asking if he was.

THE COURT: And he is saying look at the statement.

MR. MARTIN: Am I obligated to do what the witness says?

THE COURT: Obviously, because he says that will tell you what he was asked. He says he doesn't remember.

MR. MARTIN. He doesn't remember, that is what I'm trying to find out.

Q During this questioning in June, did you at any time tell anybody that Harry Johnson was with you on the 22nd?

A No.

Q You in fact, hid that fact that Harry Johnson was with you from the Grand Jury, did you not?

A On the 22nd, no, I didn't hide it.

Q You didn't hide it?

A Um, um, on the 22nd.

Q Did Mr. Kenney, before you testified on the Grand Jury, ask who was with you on the day of the 22nd?

A He sure did. Yes, he did.

Q And did you tell him who was with you on the 22nd?

A Yes, I did.

Q And who did you tell him was there?

A I told him Paul, Chester, Mike, Jack and Terry and myself.

THE COURT: Harry wasn't around on the 22nd, as I understand the testimony.

MR. MARTIN: If your Honor please, I am trying to test the witness' memory, if your Honor please.

THE COURT: But he is consistent.

MR. MARTIN: Your Honor, that is a conclusion to be reached --

THE COURT: It is not a conclusion to be reached. I'm sorry.

MR. MARTIN: I think I am entitled to --

1 THE COURT: I'm sorry. There is nothing in
2 this record upon which you can predicate a question that
3 there was a possibility of Harry being present on the 22nd.
4 If there is, come up here and show it to me.
5

6 MR. MARTIN: If your Honor please, I am explor-
7 ing as to whether he was or was not.

8 THE COURT: Next question, Mr. Martin.

9 MR. DIRENZO: May I have a word with Mr. Martin?

10 THE COURT: You may.

11 (Pause.)

12 Q Le' me ask you this question.

13 MR. MARTIN: This is on page EJC, at the top
14 of the page.

15 Q "Q After you received more calls from
16 Chester Crawford, did you then fly from National Airport
17 in Washington to LaGuardia in New York on March 27, 1973?

18 MR. KENNEY: May I inquire if there is a number
19 next to that initial?

20 THE COURT: Is there a number next to that
21 initial?

22 MR. MARTIN: EJC-5.

23 MR. KENNEY: Thank you.

24 THE COURT: Go ahead, Mr. Martin.

25 MR. MARTIN: May I reread the question, your

2 Honor, at this point?

3 THE COURT: Yes.

4 Q "Q After you received the more calls from
5 Chester Crawford, did you then fly from National Airport
6 in Washington to LaGuardia Airport in New York on March 27,
7 1973?

8 "A Yes, I believe that's the date."

9 Did they ask you or did Mr. Kenney at any time
10 ask you if Harry Johnson flew up there with you?

11 A No.

12 Q Did he ask you who came up with you on the
13 plane?

14 A Yes, he did.

15 Q And did you answer his question as to who came
16 up with you on the plane?

17 A YES, I did.

18 Q And who did you tell him came up?

19 A Terry and myself.

20 Q Did he ask you if there was anybody else with
21 you?

22 A I don't believe he did. I'm not sure about
23 that, if he asked.

24 Q You didn't tell him that Harry Johnson came up?

25 A No, I didn't.

Q There is some testimony that after this incident happened on April 5th, that you and Terry wound up on Houston Street and you disposed of a gun, is that correct?

A Yes, approximately.

Q You broke the gun in a couple of pieces and put one piece in one place and another piece in another place?

A Right.

Q And can you tell me how you met Harry Johnson that day? It is after this point where you got rid of the gun.

A We met him by accident, really. He was walking along a portion of South Street and he called out, as we were going toward the Maiden Lane area from Katz' Delicatessen.

Q Is it your testimony that after this incident you went to Houston Street, got rid of the gun, then met Terry and then drove back into the area where this took place before?

A No, that isn't my testimony.

Q What is it?

A The area was some distance away from that area there. We were going down the area of Maiden Lane --

Q In other words, from Houston Street, you and Terry -- this is after the incident, and after you disposed

of the gun, and while you were looking for new clothes -- you drove right down in Maiden Lane?

MR. KENNEY: Objection. May I, your Honor, put up Chart number 3 on which the area which the witness is talking about is indicated, and which this witness has identified?

THE COURT: Yes.

MR. MARTIN: May I use this chart also, your Honor?

THE COURT: He says it doesn't include the area which the witness is talking about.

MR. MARTIN: It has Maiden Lane, your Honor.

THE COURT: It doesn't show Maiden Lane and South Street, does it, Mr. Martin?

MR. MARTIN: I don't know.

THE COURT: Take the chart off.

Mr. Martin, does it show Maiden Lane and South Street?

MR. MARTIN: I don't know if that is what the man said.

THE COURT: I am asking you, does that show Maiden Lane and South Street?

MR. MARTIN: It shows portions of Maiden Lane.

THE COURT: Does it show Maiden Lane and South

1 Street, Mr. Martin? The fourth time I have asked you that
2 question.
3

4 MR. MARTIN: I don't see South Street. I see
5 portions of Maiden Lane.

6 THE COURT: Of course you don't. Put the other
7 chart up, Mr. Kenney.

8 Now put your question.

9 Q Would you point out on that chart where you and
10 Terry drove, from Houston Street, and put an X where you
11 arrived?

12 THE COURT: Step down.

13 (Witness at chart.)

14 A What do you want me to do?

15 Q Will you please mark Houston Street with an X
16 where you and Terry left from that time.

17 A Where is it?

18 THE COURT: Do you know where Houston Street is?

19 THE WITNESS: Right here.

20 THE COURT: All right. He put his finger at
21 Houston Street and the East River Drive.

22 Q Will you put an X there, please?

23 A Over here?

24 THE COURT: Yes. He wants an X where Houston
25 and the East River Drive are.

1
2 MR. MARTIN: I am asking where he left from
3 with Terry.

4 THE WITNESS: I left from Katz'

5 THE COURT: You want Katz' or Houston Street
6 and the East River Drive? Which do you want?

7 MR. MARTIN: I want where he says he left from
8 with Terry.

9 THE COURT: He says he left from Katz'. Now you
10 want Katz'? Put an X where Katz' is.

11 MR. MARTIN: If that is where he left from.

12 THE WITNESS: I know it's on Houston Street. I
13 don't know what street it was near.

14 Q It is your testimony you don't know. Can you
15 tell us, will you point on the map, then, where you met
16 Harry after this time.

17 A We met him somewhere along South Street.

18 Q Then can you mark off where you met him, please?

19 A Approximately -- I really don't know.

20 Q You don't really know?

21 A Down by the warehouse area.

22 MR. MAERIN: Will you take the stand, please?

23 (Witness resumes stand.)

24 Q So you went from Katz' Delicatessen down toward
25 the Maiden Lane and South Street area, is that correct?

1
2 A Not all the way to Maiden Lane. It was, I would
3 say, within four, five blocks of some newspaper -- I think
4 the Post -- some newspaper building.

5 Q And Harry happened to be walking along there and
6 he hollered to your car?

7 A Right. We heard a voice.

8 Q Your meeting was strictly accidental?

9 A Us going past there, yes.

10 Q How long after the shooting did this take place?

11 A This must have been a good hour.

12 Q Did Harry tell you where he had been?

13 A He said that he, when Chester put him out of the
14 car, he went back to the area where the robbery took place,
15 and he didn't go all the way there, he turned around, he was
16 waiting for Chester to come back and he never came, so he
17 went to some tavern or something, somebody gave him 25 or 30
18 cents, because he didn't have any money on him at all. He
19 was walking back toward, along that area of South Street,
20 because he really didn't know where he was, either. Chester
21 just abandoned him.

22 Q Like two ships meeting in the night?

23 A You could phrase it that way, if you want.

24 MR. MARTIN: I have no further questions.

25 (Continued on page 1271.)

12/19/73
AM T-5b

jkmch 1

Mann-cross

1615a

1271

THE COURT: Mr. Direnzo.

CROSS-EXAMINATION

BY MR. DIRENZO:

Q Mr. Mann, I am going to try to limit my questioning to Mr. Carroll, where possible.

Now, it's a fact that the first instructions that you received in connection with this anticipated job came to you from Mr. Myers, is that correct?

A The first, yes.

Q And the only information you had received is that he had a job or something for you to do in New York, correct?

A Right.

Q And when he communicated this information to you, it was by telephone from New York; is that correct?

A Well, it was from New Jersey, but, yes, the general area.

Q In other words, it was from out of Washington, D. C.?

A Right.

Q And then you proceeded to New York alone from Washington, D.C.? Is that correct?

A Correct.

Q Alone?

1
2 A Yes.

3 Q In your vehicle, and then you had this unfor-
4 tunate incident where you were stopped by the police
5 and they found a gun with all of these rounds of
6 ammunition that you told us about; right?

7 A Yes, sir.

8 Q Now, you say there came a time when you met
9 Mr. Carroll?

10 A Yes.

11 Q Correct? And the Carroll you say you met is
12 the man who sits here?

13 A Right.

14 Q The man I am pointing to.

15 But before the time that you say you met Mr.
16 Carroll, you met Mr. Chester Crawford?

17 A Yes, I did.

18 Q And when you met Mr. Crawford, you met him in
19 New York?

20 A Yes.

21 Q And before seeing Chester Crawford in New York,
22 you first saw Terry Myers; correct?

23 A Yes.

24 Q As a matter of fact, it was Terry Myers who
25 introduced you to Mr. Chester Crawford?

1
2 A Right.

3 Q And before meeting Chester Crawford, you had
4 been pretty much given a plan or the outline of the job
5 that was to have been done; correct?

6 A Correct.

7 Q And, I take it, you were asked whether you were
8 willing to cooperate, correct, in the performance of
9 that task?

10 A Yes.

11 Q Now, when Mr. Crawford spoke to you --

12 MR. DIRENZO: Question withdrawn.

13 Q When Mr. Myers spoke to you from wherever he
14 called from, and you came from Washington with that gun,
15 which, incidentally, you only brought for your own
16 protection; correct?

17 A Yes.

18 Q You didn't take that pistol with all of that
19 ammunition because you contemplated, from the conver-
20 sation you had with Mr. Myers, that you were going to
21 participate in a robbery in which you were going to use
22 a loaded gun; is that correct?

23 A That's correct.

24 Q And that is true, right?

25 A Right.

1 Q Now, before you met Chester Crawford --

2 MR. DIRENZO: Withdrawn. I'm sorry.

3 Q Before you met Chester Crawford, yes, did
4 Myers take you to the area where this alleged, where
5 this proposed stickup was to take place, or hijacking?
6

7 A No.

8 Q Now, the first time that you were ever intro-
9 duced to the area or the locale where this hijacking
10 was to take place was only when Chester Crawford took
11 you there; is that correct?

12 A That's correct.

13 Q And you pointed to the map on many occasions,
14 and I don't intend to have you tire yourself by getting
15 up and walking back and forth to that map, but on the
16 occasion that you were first taken to the area, it was
17 pretty much the area, including the specific streets,
18 that you ultimately performed this attempted hijacking;
19 is that a fair statement?

20 A That's a fair statement.

21 Q Now, on your very first tour, if you remember,
22 were you taken to the area or on the very street where
23 the Federal Reserve Bank was located?

24 A Yes, I was taken there.

25 Q And when you got to the street -- you may remember

1 the name, you may not -- it's Maiden Lane, all right?

2 A Yes.

3 Q When you saw the building, on your very first
4 trip, did you notice that there was a grille door or doors
5 on the Maiden Lane side?

6 A Yes, there were.

7 Q Did you also notice that there were these big
8 metal doors -- I think they're black in color -- that
9 also, that are behind the grille doors?

10 A I remember the door that goes up and down.

11 MR. KENNEY: Objection.

12 THE COURT: What is the objection?

13 MR. KENNEY: The objection is that the question
14 is based on facts which are not in evidence.

15 THE COURT: I'm not sure. I was a little
16 confused at the grille doors and solid doors from the
17 testimony, but the witness says he doesn't remember,
18 so it makes no difference.

19 MR. DIRENZO: All right.

20 Q In any event, inviting your attention to your
21 very first observation of the Federal Reserve Bank,
22 were you able to see --

23 MR. DIRENZO: Question withdrawn.

24 Q Was there a mail truck in any one of the bays
25

1 that you could see at the time you made your first
2 observation?
3

4 A The first time I went past there, the door
5 was down. You couldn't see anything.

6 Q It was locked? Closed?

7 A Closed.

8 Q Closed, so you could see nothing, right?

9 A No, I couldn't.

10 Q Now, how many times do you say, and I'm only
11 inviting your attention to the bank itself, that you
12 actually stopped and saw and observed or attempted to
13 observe what was going on in the bank?

14 A Well --

15 THE COURT: In the bank or in the bays, the
16 loading bays?

17 MR. DIRENZO: The bays. I take the correction;
18 thank you, your Honor.

19 A I will have to clarify that. I never stopped
20 completely and looked. We were always driving past.

21 And I would say three or four times we drove
22 past there.

23 Q Take the greatest amount of time, say four
24 times; all right? And on each of the four occasions
25 when you went by that area, I take it you were in a

jkmch 7

Mann-cross

1277

vehicle?

A Yes.

Q And you were in a moving vehicle; correct?

A Yes.

Q When you got to the area of the bank, and you were on the street side of the bank, where the bays are located, I take it that you did proceed slowly so that you could get a view of the premises; is that correct?

A Yes.

Q And what was necessary consonant with having proper preparation for the work that had to be done by you or anyone else; correct?

A Correct.

Q Now, on the first occasion that you made an observation of the doors of the bank, where the bays are located, you said you saw nothing, right, because they were closed?

A Right.

Q Now, may I invite your attention to the second occasion when you came down Maiden Lane. What, if anything, did you see concerning the doors being open or closed?

A At that time there was a vehicle going to the

jkmch 8

Mann-cross

1278

garage area, so the door was raised, and I saw one or two trucks in there with some people working along the dock.

Q So you saw -- I didn't mean to interrupt your answer.

A There was a guard at the front of the door.

Q The grille door was closed, is that correct?

A Well, it was open at that time.

Q Were both doors open?

A I just remember the one opening and closing.

Q I see.

But, there were armed guards standing in front of those premises, correct?

A I remember one guard.

Q At least one armed guard?

A Right.

Q And when you made this observation or observations that you made on the second occasions, can you tell the jury whether the truck or trucks that you saw in the bays were backed to a platform so that the front portion of the truck or trucks would be facing Maiden Lane?

A Yes, that's the way it was.

Q So that at the point where you made your second

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE N.Y. N.Y. 10007 TELEPHONE (212) 486-7400

1 observation, your sphere of vision was impaired to
2 the extent that you couldn't see what was either being
3 placed on the truck or removed from the truck; correct?
4

5 A No, I wouldn't say that.

6 Q I beg your pardon?

7 A No, you could see, if you had enough time
8 to stand there, you could see what was loaded because
9 it's on an angle. It's not straight out to you, because
10 if you looked in there you could see just on a tilt,
11 like. The trucks aren't pointing straight toward the
12 door.

13 I could see -- I don't know -- different
14 articles on the dock. I didn't see at that time, at
15 that split second being put on the truck, but if I
16 stayed there, I could see something being loaded.

17 Q Did I understand you to state to the jury you
18 could see if you were standing there?

19 A Yes, I believe so; yes.

20 Q But you weren't standing there on that second
21 occasion?

22 A No.

23 Q You were riding in a vehicle; correct?

24 A Right.

25 MR. KENNEY: Objection. Argumentative, your

Honor.

THE COURT: Overruled.

Q Is it your testimony that you could see on your second -- on that second trip that you passed the Federal Reserve Bank, that you could see what was going on or coming off the truck, Mr. Mann?

A I could see something on a pallet. It was, it looked like mail bags, but I couldn't swear to it.

Q Mail bags were on a pallet?

A Yes, some white bags, stacked. I could see that, but I don't know.

Q A pallet?

A Wooden pallet.

Q That's a skid?

A Or a skid.

Q Or a dolly?

A Or whatever.

Q Now tell me, inviting your attention to the third time that you either went to the bank or went past it or made the observation that you say you made, were the doors opened or closed, and if they were, tell us which doors were opened and which were closed, if any were opened?

A I believe the third time they were closed,

1 I believe.

2 Q Closed?

3 A Yes.

4 Q So you didn't see anything on the third
5 occasion?

6 A No.

7 Q And you don't know whether you made a fourth
8 trip there, is that correct?

9 You said it could have been three or four.

10 A Yes.

11 Q Now, having testified at this point, can you
12 say that you did or didn't make a fourth trip?

13 A I believe I made a fourth, yes.

14 Q Now, on that fourth occasion, it's pretty
15 much like the second occasion, when you went by with the
16 vehicle -- or did you walk?

17 A No, we were still in the vehicle.

18 Q In a vehicle?

19 A Right.

20 Q Of course, you wouldn't be walking at this time
21 because I take it you did not want to disclose your
22 face, there, right, or show your face there; right?

23 A That's true.

24 Q Did you see anything on the fourth occasion?

1 A The doors, the door was open, but I didn't see
2 any trucks or anything, just empty dock.

3 Q Was there a guard in front of the door?

4 A Still a guard there, yes.

5 Q As a matter of fact, is it fair to state that
6 on each of the occasions that you went by the Federal
7 Reserve Bank, there was always at least one armed guard
8 at the entrance of the Federal Reserve Bank?

9 MR. KENNEY: Objection to the "armed," unless
10 the witness saw he was armed.

11 MR. DIRENZO: All right. I will eliminate
12 the word, "armed."

13 Q A guard. Did you notice on each of the occasions
14 that there was a guard?

15 A Each occasion that the door was opened. I
16 didn't notice when it was closed.

17 Q Incidentally, with reference to the guard that
18 you previously told us about, he was a man wearing a
19 blue uniform, correct?

20 A Yeah, I believe.

T6

mpl

Mann-cross

1627a

1283

Q And he was wearing a gun and a holster, wasn't he?

A Yes, he was.

Q And on the occasions that you went by there, you were all careful to make sure in your preparations that the guard wouldn't see you? Correct?

A Not really. It didn't make much difference whether he saw us or not.

Q Your testimony is it made no difference to you whether the guard did see you or he didn't see you?

A Correct.

Q Is that your testimony?

A I have to clarify that.

Q Pardon me?

A I have to clarify that.

Q Will you please do?

A The whole idea, the way the whole situation was looking --

Q I am talking to you about the guard, the bays and the doors at the Federal Reserve Bank. That is all I am interested in at this point. We will get to other areas later.

A I don't understand your question. Will you repeat it?

Q You had no concern as to whether the guard saw

1
2 you or not? I think your language was, "It made no
3 difference to me."

4 A What I meant was that any particular time whether
5 the guard saw me or not there, we didn't want to be in the
6 area too much so anybody would spot us, make a habit of it.
7 That is what I am saying.

8 Q That would create and arouse suspicion?

9 A Right.

10 Q And you know that in your preparation plans you
11 did not want to be discovered? Isn't that so?

12 A Yes.

13 Q Now, when do you say you first saw Tommy Carroll?

14 A Saw him?

15 Q The first time.

16 A On the 21st.

17 Q That was the same day you met Chester Crawford?

18 A Yes.

19 Q Where do you say you saw Tommy Carroll?

20 A He was in the Maiden Lane area where we were
21 meeting.

22 Q You say it was in the Maiden Lane area?

23 A Where we met, yes, where we were meeting.

24 Q Was he on the street? Was he in a restaurant?
25 Was he in a church anywhere? Can you identify the place he

1
2 was in or at?

3 A He was on the sidewalk. Chester got out,
4 went to him. I guess he said a couple of words, about
5 30 seconds, and came back.

6 Q In other words, the first time you saw Mr.
7 Carroll was about a 30-second viewing that you had of him?

8 A Correct.

9 Q And having seen him for that 30-second period
10 you were able to identify him later as being the same man
11 you had seen somewhere on Maiden Lane? Correct?

12 A No.

13 Q At the time you say you first saw Tommy Carroll
14 you wouldn't be able to identify him? Is that your testi-
15 mony, Mr. Mann?

16 A Yes, that is what I said.

17 Q You didn't see him in a vehicle at that time,
18 did you?

19 A No, I did not.

20 Q You didn't see him exit a vehicle?

21 A No, I did not.

22 Q By the way, could you fix the time that you say
23 you saw Tommy Carroll there?

24 A Approximately around 5 o'clock, in that area.

25 Q When you say 5 o'clock, give us your best

estimate of it. Could it have been between 5 and 5.30 or 5 and 6?

A I would say between 5 and 5.30.

Q When do you say you next saw Tommy Carroll?

A I next saw him the 22nd.

Q This is a day later?

A Yes, right, a day later.

Q And I take it not having been able to identify him on the 21st, somebody said something to you to indicate to you that this was the Tommy Carroll, this was the gentleman you had seen on the night of the 21st somewhere on Maiden Lane? Is that correct?

A Correct.

Q Where do you say you saw Tommy Carroll on this second occasion?

A At the same place.

Q Maiden Lane?

A Yes.

Q And when you say "the same place," you mean standing on the sidewalk?

MR. KENNEY: Objection. Could we fix a place on Maiden Lane?

MR. DIRENZO: I wish he could.

THE COURT: Ask him if he can tell you.

1
2 Q Mr. Mann, I asked you before, was it a store?
3 Was it a church? Was it a tavern?

4 THE COURT: How about asking him the street.

5 Q Can you tell us approximately what streets or
6 intersections? If you can give it to us by specific
7 number, give us the number. Identify it as closely as you
8 can.

9 A Well, it was close to the tavern. I would say
10 it was on Maiden Lane, because you could see straight up to
11 the street where the bank is.

12 THE COURT: What street were you standing on when
13 you could look up Maiden Lane?

14 THE WITNESS: I am not positive of the street.

15 THE COURT: Was it under the elevated highway?

16 THE WITNESS: Not directly.

17 THE COURT: Was the highway behind you?

18 THE WITNESS: If I am looking towards the back,
19 yes.

20 MR. KENNEY: Your Honor, if I may, this witness
21 has indicated on the map where that tavern is.

22 THE COURT: He has?

23 MR. KENNEY: Yes.

24 Q Mr. Mann, I don't want you to walk to the chart.
25 Relax. You walked too much yesterday.

1
2 THE COURT: He has got it marked.

3 Q You got it marked on that chart, indicating
4 Government's Exhibit 1, the place that you designated
5 yesterday on that map?

6 MR. DIRENZO: By what particular mark was that,
7 Mr. Kenney?

8 MR. KENNEY: This mark right here. It is on
9 the southeast corner of South Street and Maiden Lane
10 (indicating).

11 Q That is the place? Correct?

12 A Yes.

13 Q Inviting your attention to the second meeting,
14 was it identically the same place?

15 A Yes.

16 Q And again the second time, you didn't see him in
17 a bar, you didn't see him come out of a bar or tavern, you
18 saw him on the street?

19 A Yes.

20 Q Just standing there?

21 A Yes.

22 Q And again he was standing alone?

23 A I believe Mike or Jack -- at this time I don't
24 remember which one -- he was standing with someone else.

25 Q He was standing with someone else?

1
2 A Right.

3 Q And the someone else that you saw him standing with
4 there on that second occasion, you cannot definitely identify
5 to aid the jury at this point? Is that correct?

6 A No, I can't.

7 Q So you can't say it was Mike and you can't say it
8 was Jack? Correct?

9 A Correct.

10 Q But you did see Tommy. Did you have a conver-
11 sation with Tommy on the second occasion?

12 A Yes.

13 Q You had none with him on the first?

14 A That is correct.

15 Q What conversation, if any, do you say you had with
16 Mr. Carroll on the second occasion?

17 A I was introduced to Tommy by Chester. I said,
18 "How are you doing?"

19 Q That was just exchanging amenities? You were
20 being introduced to someone?

21 A Correct.

22 Q And at that time were you introduced to Mr.
23 Carroll?

24 A Yes.

25 Q By whom were you introduced?

1
2 A Chester.

3 Q That is Chester Crawford?

4 A Right.

5 Q And he said, "I want you to meet my dear friend"?

6 A No, he didn't go through that.

7 Q How?

8 A I believe he said, "This is Tommy." That is
9 about all he said.

10 Q He said, "This is Tommy"?

11 A Yes.

12 Q He didn't say, "This is Tommy Carroll"?

13 A No.

14 Q By the way, he didn't say, "This is Tony"?

15 A No, he said "Tommy."

16 Q Tommy? There is no doubt about it? He said
17 Tommy?

18 A Yes.

19 Q And this is the very first time you ever met the
20 man?

21 A True.

22 Q How long did that introduction take?

23 A Not long -- 15, 20 seconds, something like that.
24 Maybe half a minute, a quarter of a minute.

25 Q That was the extent of anything that was said

between or among you, Chester and Tommy? Right?

A Yes, that incident.

Q At that particular time?

A Right.

Q Then you left that area? Correct?

A Yes.

Q And that was one day following another? You were there on the 21st? This, I take it, was on the 22nd?

A Yes.

Q When did you say you next met Mr. Carroll?

A What do you mean "met"?

Q See him? Take it slowly so we don't get it confused. When did you next see him?

A That Friday, the next day, the 25th.

Q Now, this is the third day in a row? Correct, sir?

A Correct.

Q Where did you see him?

A The same area.

Q And when you first saw him on the 23rd was he again in the same place that you had designated on the map?

A Yes.

Q Maiden Lane?

A Right.

Q On the street?

A Yes.

Q Alone or with someone?

A Well, there was a group there at that time.

Q There was a group? And where was this group?
On Maiden Lane?

A Yes, sir.

Q This group was on Maiden Lane at the same point
where he had been standing on two prior occasions that you
say you saw him? Correct?

A Correct.

Q Would you tell us who you say was in that group?
Only if you know.

A Excuse me. Tommy and Jack, Terry, Chester.

Q There were four of them standing there? You
did not walk over to the Maiden Lane side? Or did you join
the group?

A No, I did not join them.

Q You did not?

A No, at that time.

Q If anything was said you weren't present to hear
that which was said at the time it was being spoken?
Correct?

A Correct.

1
2 Q By the way, did you observe this group that you
3 just told us about? Did you observe them in conver-
4 sation at all, without hearing what they said, without
5 hearing what they had to say?

6 A No.

7 Q You could not even say there was a conversation
8 between or among any of the persons involved in that group?
9 Correct, sir?

10 A That is correct.

11 Q How long would you say that incident or meeting
12 took, if it was a meeting?

13 A We were there around five, ten minutes.

14 Q Five or ten minutes?

15 A Yes.

16 Q And then these people who were a portion of the
17 group came over to where you were, either in the vehicle
18 or standing?

19 A Yes.

20 Q Did Mr. Carroll remain alone?

21 A No. That is when I spoke to him.

22 Q That is when you spoke to him?

23 A Yes.

24 Q Now, I take it that you left the point where
25 you standing and then joined Mr. Carroll or joined the
group? Let's get the facts straight. I won't confuse

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4200

1
2 you. Did you go over to the group or did you go over to
3 Mr. Carroll?

4 A Well, I was with Chester at the time. Chester
5 called Carroll.

6 Q Chester called you?

7 A I was with Chester. We were getting ready to
8 depart the area.

9 Q Yes.

10 A And Chester signalled for Tommy to come over a
11 minute.

12 Q Now, at this point you say Chester signalled
13 Tommy to come over from the Maiden Lane site that he was
14 standing at, to come over to him? Is that right?

15 A That is correct.

16 Q And then he took him over to you?

17 A I was standing there with Chester.

18 Q At the point where you were standing with
19 Chester and Chester called over Tommy, did Tommy come over?

20 A Yes, he did.

21 Q Where were you standing or where were you at
22 that point? Were you in a vehicle?

23 A I was outside the vehicle.

24 Q You were standing on the street?

25 A On the sidewalk.

Q On the sidewalk? And was there a conversation between or among you or Mr. Carroll or Chester, yourself and Mr. Carroll?

A Yes, there was.

Q What was the conversation?

A I told Chester about the charge that I had in New Jersey. So that is when he asked Tommy did he think -- could he do anything about it. So I said I had the charge sheet with me, because I got it out and showed it to him, and he glanced at it. So then Jack was sitting in the car at that time, and he asked him what was the man's name down in New Jersey they wanted to do business with. He didn't remember at the time. So he said, well, he will check on it and see what he can do.

Q And that was the entire conversation, Mr. Mann?

A That was it.

Q Chester basically said to Tommy Carroll -- at least, this is what you say you said -- "Here is my friend, Mr. Mann. He has a problem in Jersey. This is the charge. I want you to see what, if anything, you can do for him with reference to the possession of a loaded gun charge in Jersey"? Is that basically the substance of the conversation?

1
2 A Yes.

3 Q And did that terminate the conversation among
4 you?

5 A Yes, it did.

6 Q This entire period of time, from the time you
7 first saw Mr. Carroll, at which you did not speak to him,
8 and the time that he crossed the street and came over to
9 your side and Chester spoke to Carroll, how much did the
10 entire period of time consume or take?

11 A That one day?

12 Q That day.

13 A We were there about five or ten minutes
14 altogether.

15 Q Then you departed?

16 A Yes.

17 Q With whom did you depart?

18 A With Paul Crawford and Terry.

19 Q Now, that was the third time? Right?

20 A Yes.

21 Q When was the fourth time you say you saw Mr.
22 Carroll?

23 A Again. That Tuesday -- I mean that next
24 Tuesday or the next week.

25 Q And the last time you had seen him before this

1
2 Tuesday was on the previous Friday? Is that your testimony?

3 A Correct.

4 Q Where do you say you then saw Mr. Carroll?

5 A I saw him at Katz Delicatessen.

6 Q Would you be good enough to try to fix that date?

7 A The date?

8 Q The date that you saw him in Katz? That, you
9 said was, I think, on a Tuesday?

10 A Correct.

11 Q What was that?

12 A Yes.

13 Q What was that date?

14 A Tuesday.

15 Q The date?

16 A I believe it was the 27th.

17 Q The 27th of March?

18 A Yes, March.

19 Q Now, would you be good enough to tell me specifica-
20 ly at what time, if you can fix the time, that you say you
21 saw Mr. Carroll in Katz Delicatessen?

22 A Around 5 o'clock.

23 Q 5.00 p.m.?

24 A Around there somewhere.

25 Q That would be very close to it, give or take five

minutes, a half-hour?

A Yes, somewhere around there.

Q It would be anywhere from 4.40 to 5 or 5 to 5.30?
4.45 to 5.15? Is that about right? Give us your best.

A Yes.

Q And on that occasion I take it you went into
Katz proper? You went in? It was not one of these
instances where you were standing outside of Katz?

A Correct.

Q You went into the place and had a bite to eat or
something?

A Yes.

Q Were you already in Katz before you saw Mr.
Carroll? Or did he come in with you?

A I was in there with him.

Q Who was with you at that time?

A Chester, Harry, Terry.

Q What time did you get to Katz? Approximate it
if you can't fix a definite time.

A I would say around 4 o'clock.

Q So that you were there a little while before
you saw Mr. Carroll. Did Mr. Carroll come in with anyone?
Or did you come in alone?

A He came in with someone.

1
2 Q Then when he came in, I take it you were already
3 seated at a table?

4 A Yes.

5 Q Did he come to your table?

6 A No, the table next to it.

7 Q By the way, while you were there did you get
8 counter service? Did you go to the counter and buy what
9 you wanted? Or were you served by a waiter or waiters,
10 if you remember?

11 A A waiter.

12 Q Incidentally, on any of these occasions or
13 each of these occasions when you went to Katz and had
14 something to eat, you didn't go to the self-service counter?
15 You always had a waiter serve you?

16 A Correct.

17 Q How long would you say you were in Katz at
18 that time, from the moment you entered the place, sat at
19 a table, until the moment you left?

20 A Probably two hours, I would say.

21 Q About two hours?

22 A No, about an hour.

23 Q An hour and a half?

24 A About that. About an hour and a half.

25 Q Now, after Mr. Carroll came in was there a con-

mpl8

Mann-cross

1
2 conversation with Mr. Carroll amongst yourselves there?

3 A Amongst ourselves?

4 Q Yes.

5 A No.

6 Q So that if there was a conversation you were not
7 a participant to the conversation? Is that right?

8 A Correct.

9 Q Can you tell us whether not being a participant
10 in the conversation, whether you could hear or overhear any
11 portion of the conversation that these people were engaged
12 in?

13 A No.

14 Q You didn't hear any part of it?

15 A No.

16 Q You then left Katz?

17 A Yes, we did.

18 Q I see you are hitting your chest. Would you like
19 a drink of water? Maybe you have a heart burn?

20 A No.

21 Q After leaving the premises, Katz, where do you
22 next say you saw Tommy Carroll?

23 A At Maiden Lane.

24 Q That was on the same day?

25 A Correct.

Q And that was about what time?

A This must have been 5.15, 5.30, quarter to 6 --
about 5.30.

Q It could have been later?

A No.

Q Well, did you say you got to Katz at about 4,
4.30, give and take?

THE COURT: No, he said about 4.

Q About 4? You stayed about an hour and a half,
which would make it 5.30 if you got there at 4. You got
to Maiden Lane about what time?

A Quarter to 6, 5.30, quarter to 6.

Q And where on Maiden Lane do you say you saw Mr.
Carroll?

A I saw him for a short period at the same corner
where we met.

Q On Maiden Lane?

A Correct.

Q This was the fifth time that you say you saw Mr.
Carroll? Correct?

A I believe so.

Q You had no conversation with Mr. Carroll, did you?

A No.

Q Did you see him in conversation with anyone at

1
2 Maiden Lane?

3 A I saw Chester go over to him, and I don't think
4 I was paying attention.

5 Q You saw him walk over to Chester?

6 A No, the other way around.

7 Q You saw Chester walk over to Tommy?

8 A Yes.

9 Q And you didn't overhear any portion of that
10 conversation?

11 A No.

12 Q How long did that meeting take?

13 A About a minute.

14 Q A minute?

15 A Yes.

16 Q And you left?

17 A Yes, sir.

18 Q Mr. Carroll left?

19 A Yes.

20 Q When do you say you next saw Mr. Carroll? Now,
21 this is on Tuesday night? This day you saw him twice?
22 Correct? So that we keep the record straight.

23 THE COURT: So far, yes.

24 Did you see him again that day?

25 THE WITNESS: Yes.

MR. DIRENZO: I was just getting to that. You are faster than I am, your Honor.

Q Now, you now say you saw him for a third time that same Tuesday?

A Correct.

Q Where did you see him the third time?

A At Wall's Tavern.

Q At Wall's Tavern? And Wall's Tavern is in Jersey? Correct?

A Correct.

Q What time do you say that was?

A This was at night. I really don't remember the time.

Q You don't remember the time at all?

A I guess -- I would say around 8 or 9.

Q 8 or 9 o'clock? It doesn't make too much difference. But you did meet him there and you saw him there at that time?

A I did.

Q Did you make actual entry into the tavern?

A I did.

Q By the way, was this the first time that you say you were ever in that tavern or had you been in there before?

1 A This is the first time I had went into it.

2 Q But you had been in the vicinity or area of that
3 tavern prior to this Tuesday night?

4 A That is correct.

5 Q You saw Chester go into it?

6 A Before?

7 Q Before.

8 A Yes.

9 Q I am not talking about Tuesday now. Before?

10 A Yes.

11 Q How many times do you say you saw Chester go
12 into that tavern before this specific Tuesday night?

13 A One or two times. I believe it is twice.

14 Q And on the two occasions where you saw him go
15 into the tavern, you didn't go into that tavern?

16 A No, I didn't.

17 Q Now we find ourselves in Wall's Tavern. This
18 is Tuesday night. It could be 9 o'clock; it could be 10
19 o'clock; 8.30 -- it makes no difference. Did you have a
20 drink in that place?

21 A I did.

22 Q Were you in there with anyone after you got in
23 the bar?

24 A Yes.

- 1
2 Q Who was with you?
3 A Harry was with me, Harry and Terry.
4 Q Harry who?
5 A Harry Johnson.
6 Q Harry Johnson and Terry Myers was with you?
7 A Yes.
8 Q Was Chester Crawford there?
9 A Yes, he was there.
10 Q Did you all go in together? All four of you?
11 A Within the space of a half a minute, yes.
12 Q Go to the bar?
13 A Yes, I was at the bar.
14 Q Chester was at the bar?
15 A No, he was not at the bar.
16 Q Was Terry at the bar?
17 A He was sitting at the table.
18 Q Who was?
19 A Terry, sitting at a table right by the bar.
20 Q Did Terry have a drink, do you know?
21 A Yes, he did.
22 Q He had a drink in front of him? You saw him
23 drink?
24 A Yes.
25 Q Did Harry Johnson have a drink?

mp24

Mann-cross

A No, he had a soda.

Q Did you have a drink?

A Yes, I did.

Q Did Chester have a drink?

A I don't believe so.

Q By the way, have you ever seen Chester take a drink?

A No, I have not.

Q Did Chester ever tell you that he never took a drink?

A No, he didn't say one way or the other.

Q By the way, did you talk to Chester after he testified in this case? You know he testified, of course?

A After he testified, no.

Q Did anyone ever tell you -- and the answer is yes or no -- did anyone ever tell you after Chester testified that he testified that he never takes a drink?

A No.

Q Nobody ever told you that?

A No.

Q Now, you say you saw Tommy Carroll that night in Wall's Tavern?

A Yes.

MR. KENNEY: Could the witness fix the time?

1
2 THE COURT: He said about 8, 9 o'clock; he
3 was not sure. I gather from Mr. Drenzo's questioning he
4 is not interested for specific times; he wants to know
5 generally.

6 MR. DRENZO: As Jack Webb would say, I want
7 the facts.

8 THE COURT: You said generally.

9 MR. DRENZO: Yes.

10 THE COURT: Do you want to finish up just this one
11 day and then we will take a recess for lunch.

12 Q Was there any conversation in Wall's Tavern?

13 A I introduced Tommy to Harry, and that is all I
14 heard.

15 Q So that you heard no conversation in Wall's
16 Tavern, if there was a conversation? Correct?

17 A Correct.

18 Q You were not a participant to it?

19 A I was not.

20 Q And if there was any conversation, you didn't
21 overhear it? Is that correct?

22 A That is correct.

23 MR. DRENZO: I think I can stop at this point.

24 THE COURT: We will have a recess for lunch.

25 Return at 2.10, please.

(Luncheon recess taken.)

12/19/73
PM T-1

jkmch 1

Mann-cross

1652a

1308

AFTERNOON SESSION

2:15 p.m.

(In open court; jury present.)

THE COURT: You may proceed, Mr. Drenzo.

G E O F F R E Y M A T T H E W S M A N N,
resumed.

CONTINUED CROSS-EXAMINATION

BY MR. DIRENZO:

Q Mr. Mann, I think we get to the 29th of March,
and you are in Wall's Tavern, and you left from there; is
that correct?

A I don't believe that was the 29th.

THE COURT: 27th.

MR. DIRENZO: 27th?

THE COURT: Yes.

MR. DIRENZO: All right.

Q When next after the 27th did you see Mr. Carroll?

A Next at Katz's.

Q I didn't hear.

A Katz' delicatessen restaurant.

Q That would be on what day?

A We're now talking about Wednesday.

Q That would be on Wednesday?

A Right.

2 Q Could you fix the date of that Wednesday,
3 please?

4 A I believe that's the 28th.

5 Q 28th.

6 And what time do you say you saw Mr. Carroll
7 on the 28th?

8 A Around 5:00 o'clock.

9 Q And did you go into the premises with Mr. Carroll?

10 A I was already in the premises.

11 Q And sometime after you were in the premises,
12 you saw Mr. Carroll?

13 A I did.

14 Q Did he make entry into the premises?

15 A He did.

16 Q Sit at the same table with you, or adjacent?

17 A Adjacent.

18 Q Did you engage him in any conversation?

19 A No, I didn't.

20 Q No conversation?

21 A No.

22 Q You left Katz'?

23 A I did.

24 Q Was Mr. Carroll in Katz'?

25 A Yes.

Q Did you leave before Mr. Carroll, did you leave after him, or did you leave together?

A Generally the same time.

Q Did you see him again on the 28th?

A I did -- 28th?

Q Is your answer yes, sir?

A No, no.

Q You did not?

A No.

Q When did you see him after the 28th?

A The next day.

Q The 29th.

Where was that, please?

A At Katz' delicatessen.

Q And about what time?

A Same; 5:00 o'clock.

Q Around 5:00 o'clock.

Did there come a time when you left Katz'?

A Yes.

Q About what time was that?

A 5:30, quarter after 5:00.

Q And after that?

A Pardon?

Q After that, did you next see him again on the

1
2 same day?

3 A Yes, I did.

4 Q Tell me where you saw him, please.

5 A In Maiden Lane and South Street.

6 Q When you saw him on Maiden Lane, was he in
7 substantially the same place or the same area where you
8 have indicated that you saw him before?

9 A Yes.

10 Q Was he alone or with someone else?

11 A Thursday --

12 Q I beg your pardon?

13 A He was alone.

14 Q He was alone?

15 A Yes.

16 Q Did you engage him in conversation on the 29th
17 down on Maiden Lane?

18 A No.

19 Q Did you observe him in conversation with anyone
20 at that time on Maiden Lane?

21 A I don't recall him talking to anybody, no.

22 Q And did you again see him on the 29th?

23 A I did.

24 Q Where would that be, please?

25 A That would be about two blocks away from the

Federal Reserve Bank.

Q Was he standing?

A He was in his car.

Q In a car?

A In a car, yes.

Q In other words, you saw Tom Carroll seated in an automobile; correct?

A Yes.

Q And did you overhear any conversation, if there was one?

A Yes.

Q Where were you at the time there was a conversation?

A I was standing on the sidewalk next to his car.

Q And where was he seated in his car?

A In the driver's seat.

Q He was on the driver's side of the vehicle?

A He was.

Q In the driver's seat, correct?

A Yes, he was; correct.

Q And you were standing outside the vehicle, adjacent to the driver's side?

A No. Passenger's side.

Q You were on the passenger's side?

1 A I was.

2 Q But you were not in the vehicle?

3 A No.

4 Q Was there anyone seated on the passenger's side
5 of that vehicle?

6 A No, there wasn't.

7 Q No.

8 And while you were standing on the passenger's
9 side of the vehicle, I take it that was in the front
10 portion of the vehicle, the front seat of the vehicle?

11 A Yes, it was.

12 Q And did you put your head in the --

13 MR. DIRENZO: Question withdrawn.

14 Q Was the window on his car open on the passenger's
15 side?

16 A No, it wasn't.

17 Q It was closed.

18 But you heard Mr. Carroll say something at
19 that time?

20 A Yeah. After he pulled the window down.

21 Q He cracked the window?

22 A Right.

23 Q He opened it all the way down?

24 A No.

Q And did he say something to you individually?

A Yes.

Q Will you tell us what you say he said to you?

A I said, "Mike, don't stop," and that's when he said, "Get in."

Q He said, "Get in"?

A Right.

Q And you got in the car?

A I did.

Q Oh, by the way, since you left the stand this morning, and during the luncheon recess, did you have occasion to see and speak to Mr. Kenney?

A No, I haven't.

Q You haven't spoken to him?

A No, I have not.

Q Did anyone else speak to you during the luncheon recess who is connected with either the post office department or the United States Attorney's office?

A No.

Q All right.

Now, after you had heard that which you say was said to -- asked by Mr. Carroll and answered by you, did you then get in the vehicle that you say Mr. Carroll was driving?

1
2 A Yes, I did.

3 Q Did he drive that vehicle somewhere?

4 A Yes, he did.

5 Q With you in it, correct?

6 A Correct.

7 Q Did you have any further conversation between
8 yourselves?

9 A Yes.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

mpl

Mann-cross

1660a

1316

T2

Q What was that conversation?

A The same thing I said, that Mike didn't stop the stationwagon; I don't know why.

Q You told Mr. Carroll Mike didn't stop the stationwagon and you don't know why? Is that correct?

A Yes.

Q Was that the question he asked you and is that the answer you made to him?

A He didn't ask me questions.

Q You just said this?

A Yes.

Q Beyond that there was no further conversation between you?

A No.

THE COURT: Was there anybody else in the car besides you and Mr. Carroll?

THE WITNESS: Yes.

THE COURT: Who?

THE WITNESS: Harry Johnson.

Q Harry Johnson was in the car, you tell us? And he was seated where?

A In the rear.

Q Did you then get out of that car?

A Yes. When we got to Maiden Lane.

mp2

Mann-cross

Q You got to Maiden Lane, you got out of the car?

A Right.

Q Did you again see Mr. Carroll on the 29th?

A Yes, I did.

Q Where?

A I saw him at this big shopping center, but I didn't talk to him.

Q You saw him at a big shopping center?

A Yes.

Q And that was in the area of Maiden Lane?

A No.

THE COURT: Where was it?

THE WITNESS: This was in New Jersey somewhere. You are talking about Thursday?

THE WITNESS: That is right, the 29th.

THE COURT: The 29th.

Q And when you saw him at this big shopping area, can you tell us exactly where he was with relation to the shopping area?

A Oh, he was some distance away; he was, say, 50 yards; he was in a car; Chester talked to him.

Q He was in a car some 50 yards away? Is that it?

A Yes.

1
2 Q And recognizing that you don't know too much
3 about Jersey or New York, can you tell us approximately
4 where this shopping area was in Jersey?

5 A I have no idea.

6 Q Even to this day you don't know where that
7 shopping area was?

8 A No.

9 Q And when you saw Mr. Carroll on this occasion,
10 you did not overhear any conversation that he might have
11 had with Chester Crawford?

12 A That is correct.

13 Q How long would you say this conversation, if
14 one there was, between Chester Crawford and Mr. Thomas
15 Carroll took?

16 A A matter of seconds.

17 Q A matter of seconds?

18 A Yes.

19 Q By the way, about what time was it?

20 A This must have been like 11 or 12 at night.

21 Q At night?

22 A At night, that same night.

23 Q Of course at this time it was dark?

24 A - Yes, it was.

25 Q And you could see 50 yards away in this area,

1
2 you could see and discern Tommy Carroll's face? Isn't that
3 correct, sir?

4 A With the help of lights of the parking area,
5 yes.

6 Q Now we reach approximately midnight of the
7 29th?

8 A Approximately.

9 Q When did you next see Mr. Carroll?

10 A I next saw him on the way to the truck stop.

11 THE COURT: Which would be that night, which
12 becomes the next day after midnight? But it was still a
13 continuation?

14 THE WITNESS: Yes.

15 Q Now you say you saw Mr. Carroll at the truck
16 stop in Pennsylvania?

17 A Well, we made one stop before we went there,
18 but I saw him in a car.

19 Q With relation to the trip to Pennsylvania and
20 the truck stop there, it is a fact, is it not, that the
21 trip to Pennsylvania was absolutely unrelated to the so-
22 called postal truck stickup? Correct?

23 A Correct.

24 Q That had to do with the previous employer of
25 Jack Turner? Correct?

mp5

Mann-cross

1
2 A No.

3 Q No? Well, wasn't this supposed to be the
4 cigarette truck hijacking?

5 A That was the purpose of going up there, to find
6 some kind of truck.

7 Q By the way, did you see Mr. Carroll in Penn-
8 sylvania?

9 A Yes, I did.

10 Q Did you say on direct examination that a station-
11 wagon was also one of the vehicles that went to Pennsylvania?

12 A I did.

13 Q Do you recall the make of that stationwagon?

14 A No.

15 Q Do you recall whether it was a new model or
16 old?

17 A It was fairly new.

18 Q Fairly new?

19 A I would say within the 70's.

20 Q In the 70's?

21 A Yes.

22 Q When you say it was in the 70's, it could be a
23 '71?

24 A '71, '2, '3.

25 Q Are you familiar with the models?

mp6

Mann-cross

1
2 A Not very, not stationwagons, anyway.

3 Q I think that brings us now to the 30th?

4 Right?

5 A Yes.

6 Q You returned from Pennsylvania?

7 A Yes.

8 Q When you returned from Pennsylvania you were
9 not writing with Mr. Carroll, according to your testimony?

10 A Right.

11 Q What time did you get back from Pennsylvania?

12 A Around 10, 11 o'clock.

13 Q The night of the 30th?

14 A No, this is Friday morning.

15 Q Friday morning?

16 A Right.

17 Q That would be the 30th?

18 A The 30th.

19 Q Where did you go from there, please?

20 A Where did I go from Pennsylvania?

21 Q When you came from Pennsylvania, can you tell us
22 where you came to?

23 A The Met Hotel.

24 Q The motel? And I take it that you got yourself
25 some sleep?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes, I did.

Q Tommy Carroll wasn't with you?

A No.

Q And you were not in his company?

A No, I was not.

Q Then when do you say you next saw Mr. Carroll
after that?

A I could definitely remember seeing him at Maiden
Lane -- no -- at Katz Delicatessen.

Q In other words, the next time you saw Mr.
Carroll you say was at Katz?

A Correct.

Q Can you fix the date that you saw him?

A Friday.

Q That would be on Friday?

A Friday.

Q That is also the 30th?

A Yes.

Q Would you be good enough to tell us what time
it was that you say you saw him there?

A Again, around 5 o'clock.

Q And I take it you arrived at Katz before he
did?

A I believe so.

Q Some time after you arrived there did Mr. Carroll come in?

A He did.

Q He sat at an adjacent table?

A Yes.

Q Was there a conversation with anyone at that time?

A There was.

Q With Mr. Carroll or anyone else?

A Yes.

Q Who were the participants to that conversation?

A Well, I could remember who was there, but I don't remember exactly who said that. But I remember that is the time when we knew that we had a van. That is the day they had a van.

MR. DIRENZO: I move that that portion of the answer be stricken, if your Honor please.

THE COURT: He said he couldn't remember who said what.

Q Somebody said something about a van? Is that your testimony?

A Yes.

Q Whatever was said about a van, you say you heard? Correct?

1
2 A Correct.

3 Q Now, outside of hearing anything about a van
4 in connection with this conversation, if there was a
5 conversation, did you hear anything else?

6 A Well, there was a general conversation, but
7 nothing in particular, no.

8 Q General conversation?

9 A Yes.

10 Q Is that your answer?

11 A Yes.

12 Q And with reference to this general conversation
13 can you tell us of any specific thing you heard Mr. Carroll
14 say?

15 A No.

16 Q Nothing at all?

17 A No.

18 Q Did there come a time when you left Kats?

19 A There was, yes.

20 Q When, if you did, did you see Mr. Carroll next?

21 A Again down at Maiden Lane.

22 Q When you saw him at Maiden Lane, where did you
23 see him this time?

24 A Correction. At that time we had changed the
25 base of the operations to --

1
2 MR. DIRENZO: I move that that portion be
3 stricken.

4 THE COURT: Where did you next see him?
5 First of all, you said you saw him about 5.00 p.m. in
6 Katz?

7 THE WITNESS: Yes..

8 THE COURT: How much later did you see him?

9 THE WITNESS: 15 minutes.

10 Q You saw him some place 15 minutes later?

11 A Right.

12 Q Tell us as best you can where you say it was
13 you saw him? You already told us it was not Maiden Lane
14 this time. Tell us where you saw him, if you can.

15 A I saw him in a parking area around the corner
16 from the Peck Slip Post Office.

17 Q In other words, in the Maiden Lane area again,
18 but not on Maiden Lane?

19 A Right.

20 Q When you saw him there was he standing or was
21 he in a vehicle? Was he in a bar? Was he in a store?
22 Tell us where you saw him.

23 A He was in a car.

24 Q In a car?

25 A Yes.

Q How far was he from you when you say you saw him?

A Oh, 10, 20, 30 yards.

Q You could see his face?

A Correct.

Q And you knew it was Tommy Carroll?

A Yes.

Q Did you speak to him?

A No, I didn't.

Q Did he shout out anything to you?

A No, he didn't.

Q Did anybody else talk to him?

A I don't recall seeing anybody talk to him.

Q Did you see Mr. Carroll leave the place where you say you saw him on Peck Slip?

A No, I didn't.

Q Did you see him after that same night, some time thereafter, and, if so, where?

A I saw him on Maiden Lane, but he was in a car. I didn't talk to him or anything. I didn't see anybody talk to him.

Q This was the same night after you had previously seen him on Peck Slip?

A Correct.

1
2 Q Now, after having seen him on Maiden Lane --
3 this was the night of the 30th? Correct?

4 A Correct.

5 Q When, if you did, did you next see him?
6 When did you next see Tommy Carroll?

7 A The 5th of April.

8 Q So that between March 30 and April 5th you didn't
9 see Tommy Carroll? Correct?

10 A That is correct.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

12/19/73
PM T-3a

jkmch d

Mann-cross

1672a

1328

Q And you did not speak to Tommy Carroll, correct?

A That is correct.

Q Now, inviting your attention to April 5th,
when was it --

MR. DIFENZO: Question withdrawn.

Q Did you see him on one occasion or more than
one occasion on April 5th?

A More than one.

Q How many occasions did you see him on April 5th?
If you remember.

A You mean each separate occasion?

Q Yes.

A Without thinking back and counting up, I'd
say four or five.

Q When -- if you can, Mr. Mann -- when on
April 5th do you say you saw him for the first time?

A At Katz' delicatessen.

Q What time was that?

A Still around 5: o'clock.

Q Did you speak to Mr. Carroll or did he speak
to you at that time?

A No, we didn't speak, no.

Q And after -- there came a time, I take it, when
you left Katz'; correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A That is correct.

Q Did you leave with Mr. Carroll?

A We left generally the same time, yes, together.

Q You left about the same time?

A Correct.

Q You went someplace after leaving Katz'?

A I did.

Q Did you leave with someone?

A I did.

Q Who was the person or persons with whom you
left?

A Chester Crawford and Harry Johnson.

Q Did you go into a vehicle?

A I did.

Q Drove someplace?

A I did.

Q Did Mr. Carroll leave about the same time you
left?

A Yes.

Q Did you see where Mr. Carroll went?

A No, I did not.

Q About what time would you say you left Katz'?

A This is about 5:15.

Q Now, after 5:15 on April 5th, did you see him

1 jkmch 3

Mann-cross

1674a

1330

2 again on that same day?

3 A I did.

4 Q Where do you say you saw him next?

5 A At the parking area, around the corner from
6 the Peck Slip post office.

7 Q And that was one of the places where you say
8 you had seen him the previous night; correct?

9 A Correct.

10 Q How far were you from him at that time?

11 A Again, twenty, thirty yards.

12 Q You saw him in a vehicle; correct?

13 A I did; correct.

14 Q And you were able to identify him from the
15 position you were at; correct?

16 A Correct.

17 Q By the way, could you at this time identify
18 the face, or were you assuming he was in the vehicle
19 because you identified the vehicle?

20 A I saw the general face, plus the vehicle, too,
21 yes.

22 Q In other words, you can only say you saw him
23 there because you are associating the vehicle with
24 Mr. Carroll, isn't that a truthful answer, Mr. Mann?

25 A Yes, plus the general outline -- yes, yes.

THE COURT: Wait, let him finish.

MR. DIFENZO: I don't think I interrupted him, did I?

THE COURT: You did. "Plus," he said. You stopped him.

MR. DIFENZO: I didn't hear "plus," your Honor, and that is a minus on my side.

Q Please finish the answer.

A I say, plus the general outline, the shape, the face, but basically that in conjunction with the car.

Q But --

Have you completed your answer, Mr. Mann?

A Yes.

Q But, if you had to make a positive, honest identification, without the aid of the vehicle, isn't it a fact that you could not say that the man you saw sitting in that vehicle was Tommy Carroll?

A Yeah, that's true.

Q Did you engage him or he engage you in any conversation?

A No.

Q Did you overhear any conversation that the driver of that vehicle or the man sitting behind the

1 wheel of that vehicle might have had with anybody?

2
3 A No.

4 Q How long a period of time elapsed before you
5 saw this man and the vehicle, between the time you arrived
6 at Peck Slip and the time you left?

7 A You mean from the last time that I saw him?

8 Q That is correct.

9 THE COURT: Well, who left first?

10 THE WITNESS: Well, this is when we went up
11 to the, the stop sign on the triangle.

12 THE COURT: Is that West Pearl Street?

13 THE WITNESS: Yes.

14 THE COURT: Who went up there?

15 THE WITNESS: Jack, myself and Terry.

16 Q After you got there -- when you went there,
17 you didn't see this vehicle and a man you described
18 as Tommy, did you?

19 A No, no.

20 Q When, if you did, did you next see Tommy
21 Carroll?

22 A I saw him again when we came back, came back
23 from the triangle.

24 Q And where did you see him on this occasion?

25 A In the same spot where he was before.

1
2 Q Any conversation between you and Mr. Carroll
3 or anyone in your presence or close proximity?

4 A Yes.

5 Q Did you overhear that conversation?

6 A No, not the conversation. No, I did not
7 overhear it.

8 Q Did not.

9 Did there come a time when you left the site
10 and the man you say was Tommy Carroll or had the general
11 features, and was in that vehicle? When did you next
12 see him?

13 A I next saw him in New Jersey.

14 Q And that would be on the night of April 5th?

15 A True.

16 Q What time was that?

17 A I would say between 8:00 to 10:00. I really
18 don't know, because at that time, the time didn't
19 have much meaning.

20 Q That time you say didn't have much meaning?

21 A Yes, that was the time things were a little
22 hectic, so I --

23 Q They were a little what?

24 A Hectic.

25 Q Hectic?

1 A Yes.

2 Q That is understandable.

3 Now, during that period of time that this
4 hectic procedure was in motion, did you see Mr. Tommy
5 Carroll?
6

7 A You mean before --

8 Q I'm talking in the course of while, while
9 the attempted robbery or hijacking was in progress,
10 you didn't see Mr. Carroll; right?

11 A No, I sure didn't.

12 Q Now, you reach Jersey, and when you got to
13 Jersey where in Jersey did you go?

14 A To what I now know is Wall's Tavern.

15 Q And with whom did you go to Wall's Tavern?

16 A Terry Myers and Harry Johnson.

17 Q Oh, before you did this, there came a time
18 when you changed your working clothes; is that correct?

19 A No, I didn't.

20 Q Was it Terry Mann who changed his working
21 clothes?

22 A Terry Myers.

23 Q Terry Myers, I'm sorry.

24 And you now find yourself out at Wall's
25 Tavern, correct?

1
2 A Correct.

3 Q Did you go into Wall's Tavern?

4 A I did.

5 Q As soon as you got there, did you go into Wall's
6 Tavern, or did you say you waited outside?

7 A I waited outside.

8 Q How long did you wait outside?

9 A Anywhere from four to five minutes.

10 Q And did Chester -- Chester Crawford wasn't there,
11 was he?

12 A No, he wasn't there.

13 Q Who went in?

14 A Pardon?

15 Q Who went into Wall's Tavern first?

16 A Terry.

17 Q He went in alone?

18 A Yes, he did.

19 Q Did Terry come out and tell you to come into
20 Wall's Tavern?

21 A No, he did not.

22 Q You just did that on your own, correct?

23 A No.

24 Q Did somebody tell you to go in?

25 A No one told me, no.

Q You just went in?

1336

A No.

Q I beg your pardon?

A No; Harry went in and came back.

Q Harry Johnson?

A Right.

Q He went in.

Did Harry come out and ask you to come in?

A No, he came back out and said who was in there.

Q In any event, you did wind up, or ultimately go into the tavern?

A Yes.

Q And when you went into that tavern, did you see someone there that you say you had previously met?

A Yes.

Q Who did you see?

A Terry was in there, Jack was in there, Tommy was in there.

Q Now, when you went in, did you see Jack? And when I say "jack " that is Jack Turner.

A Yes.

Q By the way, is he also known as Jack Lynch, if you know?

A I don't know.

Q And did you see Terry and Jack in conversation?

A Not when I went in there, no.

Q Did there come a time when you saw them in conversation?

A Yes.

Q And there came a time, then, when you saw Chester Crawford?

A Yes.

Q And there also came a time, did there not, when Chester had a conversation with Tommy?

A Yes.

Q And on that occasion did you see him write a check and hand it to somebody in the bar?

MR. KENNEY: Objection. Can we fix a place as to where this happened?

THE COURT: Wall's Tavern.

MR. DIRENZO: This is in Wall's Tavern, I assume.

Q We are in Wall's Tavern, is that correct? At this point I am talking about Wall's Tavern.

A When you are talking about a check or what?

THE COURT: At the present time, you are testifying to things that transpired while you were in Wall's Tavern between 8:00 and 10:00 p.m. on the night of

April 5th.

A Oh, well, Chester wasn't even in Wall's Tavern yet.

Q Chester wasn't in Wall's Tavern?

A No.

Q All right.

Oh, I understand. Then there came a time when you left Wall's Tavern, is that correct?

A Right; yes.

Q And when you left Wall's Tavern, that was after a conversation that Terry had with Jack, is that correct?

A Well, he had a conversation with Jack, but also with others.

Q Now, after this conversation with Jack and others, did Jack tell, if you know, and if you heard it -- if you didn't say you didn't hear it -- Terry, "We've got to get out of here. This place might be bugged"; do you recall that?

A No.

Q You didn't hear that?

A No.

Q Well, in any event, there came a time when you left this tavern, then went to another tavern; correct?

1
2 A That is correct.

3 Q Now, incidentally, when you were in Wall's
4 Tavern, did you at least have a drink or a bite to eat?

5 A I had a drink.

6 Q You had a drink, but nothing to eat there;
7 correct?

8 A No, I didn't.

9 Q Now, you went to this other tavern.
10 How did you get to the other tavern?

11 A With Terry's car.

12 Q Terry's car?

13 A Yes.

14 Q And who was in Terry's car when you went to
15 this tavern?

16 A Terry, Harry and myself.

17 Q And did you follow Jack's car to that tavern?

18 A No.

19 Q Did you follow a vehicle to that tavern?

20 A No.

21 Q Terry went right to that tavern?

22 A Yes.

23 Q And then, subsequently, Jack and some others,
24 either arrived at or were at the tavern before you got
25 there; right?

1
2 A Right.

3 Q And at some time thereafter you see Chester
4 Crawford; correct?

5 A That is correct.

6 Q And at some time thereafter, does Tommy write
7 out a check? If you saw it.

8 A Oh, I did not see it, no.

9 Q You didn't see it.

10 Do you now know that after a conversation
11 that Chester had with Tommy Carroll, that Carroll did
12 in fact make out a check and get it cashed?

13 A This is what I was told, yes.

14 Q Well, in any event, did you see Tommy Carroll
15 give any cash to Chester Crawford?

16 A No, I did not.

17 Q Do you now know that Tommy Carroll gave Chester
18 Crawford \$20?

19 A No.

20 Q You don't know that, either?

21 A No, I do not.

22 Q And then sometime thereafter --

23 MR. DIRENZO: Question withdrawn.

24 Q Now, you are in this second tavern. And this
25 is after a long, hectic day. Did you have a drink in

1
2 that tavern?

3 A I think I had soda; grape.

4 Q I think you testified that you had something
5 to eat?

6 A Yes.

7 Q Did anyone else eat at that tavern?

8 A Terry and Harry, I believe, ate.

9 Q Terry ate, and Harry Johnson ate.

10 You don't recall what you ate?

11 A It was a -- some kind of Italian dish, I think
12 it was. I don't remember what?

13 Q Wasn't it a veal cacciatore or a veal parmesana?

14 A I don't know. It was in a bowl. It tasted
15 good.

16 Q The food was good, wasn't it?

17 A Yes, it was pretty good.

18 Q It couldn't have been chicken arabiatta?

19 THE COURT: Oh, let's go on.

20 Q Tell me, Mr. Mann, by this time, had you reason
21 to believe, or did you know that a postal guard had
22 been killed?

23 A Yes, I did.

24 Q The fact that a postal guard had been killed
25 didn't interfere with your appetite, did it?

MR. KENNEY: Objection.

THE COURT: Sustained.

MR. DIRENZO: The Court's indulgence, please.

(Pause.)

Q Mr. Mann, inviting your attention to April 5th, immediately prior to and during this hectic event, did you see Jack Turner?

A Yes.

Q He was the man who was to drive the mail truck after the guard and the driver were removed from it, correct?

A That was his function.

Q Incidentally, was the driver of that truck wearing one of the typical postal Eisenhower jackets or a cap or anything like that, if you know? He was the man that you pulled out of the truck, you remember, don't you?

A He was wearing a quilted type jacket.

Q This type jacket (indicating)?

A Yes.

Q Indicating Government's Exhibit 1 in evidence.

A I don't know what the exhibit is.

Q Do you want to look at it?

THE COURT: First of all, is that the type of jacket?

THE WITNESS: Yes.

THE COURT: He identifies Government's Exhibit 1.

Q Have you been shown a jacket similar to this one since you have been in custody?

A No, I haven't.

Q Now, inviting your attention to Mr. Jack Turner, the man that was going to drive the mail truck, can you tell us if he was advised to wear or said he would wear a postal carrier's or postal uniform?

A I don't recall. It might have, it sounds reasonable, but I don't remember exactly that being said.

Q Well, in his preparations, didn't he tell you that after he got on the truck and was driving it away, he'd have to show that he was wearing some kind of a postal uniform so that nobody would get suspicious if they saw the average civilian or truck driver driving that truck?

MR. KENNEY: Objection to this testimony by Mr. Dizenzo. The witness has said --

THE COURT: He is asking whether Turner said this to him.

MR. KENNEY: He said he doesn't recall.

THE COURT: He can answer it again.

A No, I do not recall any exact statement of anything like that. I don't recall.

MR. DIZENZO: Thank you, Mr. Mann.

THE COURT: Mr. Hafetz?

MR. HAFETZ: I have no questions, your Honor.

THE COURT: Mr. Hopper.

MR. DIZENZO: If your Honor please, could I be

excused for two minutes while the examination is going on,
and Mr. Martin will carry on for me with my client's consent?

THE COURT: You consent?

DEFENDANT CARROLL: Yes.

MR. DIRENZO: Be right back.

CROSS-EXAMINATION

BY MR. HOPPER:

Q Mr. Mann, on June 7th of 1973, in the presence
of Terry Myers, did you give a statement to the postal
inspectors Forster and Wade in connection with this
attempted robbery?

A Yes, sir.

Q Now, anywhere in that statement did either you
or Terry make any mention of a person by the name of Billy
being involved in the crime?

A No, sir.

Q Anywhere in that statement did either you or
Terry make any mention that a participant in the crime was
to arrive in the waiting area and report that the postal
truck had left the bank?

A No, sir.

Q Subsequent to your giving that statement, you
testified in the Grand Jury in the Southern District here,
did you not?

1
2 A I did.

3 Q In your Grand Jury testimony did you make any
4 reference whatever to anyone by the name of Billy being
5 a participant in this crime?

6 A No, I did not.

7 Q Did you make any reference in the Grand Jury
8 testimony to anyone taking a particular part where they
9 would arrive in the waiting area and announce that the
10 postal truck had left the bank?

11 A No, I did not.

12 Q In the Grand Jury you were sworn, were you not?

13 A Yes.

14 Q And the statement you gave on June 7th, you
15 swore to that statement also?

16 A I don't remember that.

17 THE COURT: You can come up and show it to him.

18 MR. HOPPER: May I have the exhibit, please?

19 (Pause.)

20 MR. HOPPER: I withdraw that question.

21 Q You signed and initialed each page of that
22 statement, did you not?

23 A Yes.

24 Q In your Grand Jury testimony do you recall being
25 questioned about the excursion into Pennsylvania, the trip

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FLEET SQUARE, N.Y. 10007 TELEPHONE: (212) 486-1100

1
2 to Pennsylvania? Do you recall that at all?

3 A No, I don't remember that.

4 Q Referring to page EJC-7, about a third of the
5 way down the page:

6 "Q Now, in lieu of doing the mail truck
7 robbery, would you tell us what you did on the night of
8 March 28th?

9 "A Well, people from New Jersey said that
10 their profession mainly was hijacking so we rode, it seemed
11 like two or three or four hours into upper New Jersey.

12 "Q Now, when you say the people from New
13 Jersey, are you referring to --

14 "A Tommy.

15 "Q Who are you referring to?

16 "A Tommy, Mike, Jack and Chester."

17 Do you recall those questions being asked of
18 you and do you recall giving those answers?

19 A Yes.

20 Q So the fact of the matter is you did not mention
21 in your Grand Jury testimony anyone by the name of Billy?

22 A True.

23 MR. HOPPER: I have no other questions.

24 MR. KENNEY: If I may, your Honor, my copy reads
25 "the night of March 29th." I believe Mr. Hopper said 28th.

I just want to make the record clear.

MR. HOPPER: I'm sorry?

THE COURT: It doesn't make any difference. He said the date is March 29th in his copy.

MR. HOPPER: March 29th in my copy also.

THE COURT: You said March 28th.

MR. HOPPER: I'm sorry.

THE COURT: You misspoke yourself.

Any further questions?

MR. HOPPER: No, sir.

THE COURT: Any redirect?

MR. KENNEY: Yes, very short.

REDIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Mann, can you tell us whether Harry Johnson is white or black?

A He is black.

Q Do you know what Terry Myers' wife's first name is?

A Linda.

Q When you were at Katz' Delicatessen on the various occasions that you testified about, as Mr. Dierenzo was asking you questions, would you tell us who paid for the food?

jkd

Mann-redirect

1693a

1349

2 A I don't know.

3 Q Did you pay?

4 A No.

5 Q Directing your attention to April 5th, 1973,
6 at the time when you were at South Street and just north
7 of Peck Slip in the van, I believe you testified in your
8 direct examination that someone came to the van and said
9 something. Was that your recollection of the testimony?

10 A That is true.

11 Q And who came to the van?

12 MR. DIRENZO: Objected to, your Honor, not
13 proper redirect.

14 THE COURT: Overruled.

15 A What was the question again?

16 THE COURT: What date is this, April 5th?

17 MR. KENNEY: April 5th, 1973.

18 A Who came to the van?

19 Q Yes.

20 A A young fellow, Billy.

21 Q Now, on a prior occasion, I believe it to be
22 the 30th, when you were in a similar location or the same
23 location on that Friday before, you testified that someone
24 came to the van on that day; who came to the van?

25 A The same fellow.

Tk4pm

Carroll

mmd1

Mann-redirect

1694a

1350

Q Now, when you stated that you talked to Jack Turner and others in Wall's Tavern on April 5, 1973, that night, who were the others?

MR. DIRENZO: Objected to as not proper redirect.

THE COURT: You asked who he talked to?

MR. DIRENZO: He brought it out on direct.

THE COURT: And you put the question --

A At such time?

Q When you were at Wall's Tavern.

A Well, when I went in there there was Harry, Terry, myself, Jack and Tommy, and then Mike and the other fellow came in.

THE COURT: Mike and what other fellow?

THE WITNESS: Billy.

Q When you went to the second tavern, would you tell us who you met at the second tavern?

MR. DIRENZO: Objected to on the same ground, your Honor.

THE COURT: Overruled.

A While I was there, Terry, Harry, myself, Tommy, Jack, Mike and Chester came.

MR. KENNEY: I have no further questions.

THE COURT: You are excused.

(Witness excused.)

MR. KENNEY: The government calls Michael Wall.

MR. MARTIN: If your Honor please, may we have a moment to look over this new material?

THE COURT: We will have a short recess.

(Short recess.)

M I C H A E L F. W A L L, a witness called on behalf of the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Wall, what is your occupation?

A I am a Teamster.

Q Do you own a bar?

A Wall's Triangle Tavern.

Q Where is that located?

A 4218 Bergen Turnpike, North Bergen.

Q How long have you owned that bar?

A Eight years.

Q I show you what has been marked Government's Exhibit 28 and ask you if you can identify that number in the upper right hand corner?

A Yes, that is my number.

Q When you say it's your number, it's your number

of what?

A At the tavern, it is a business number.

Q Is that the telephone number?

A Right.

Q Where is that telephone located inside the tavern?

A In a back room, in the kitchen.

Q Is that a pay phone or a private phone?

A It's a private phone.

Q I show you Government's Exhibits 29A, 29B and 29C and ask if you can identify those.

A That is the same telephone number.

Q Are those bills on that telephone number?

A YES, but I would not know who made all these calls.

Q Do you know the defendant Tommy Carroll?

A Yes, I do.

Q How long have you known him?

A About six, maybe even longer -- six years or longer.

Q Can you tell us, has there ever been an occasion when you saw him in Wall's Triangle Tavern?

A Often.

Q Did you see him there during March and April,

1973?

1 A I would say yes.

2 Q How often during that period of time each week
3 would you see him?
4

5 A About five or six times.

6 Q Would that be on different days or on the same
7 day?

8 A Well, on different days and sometimes twice on
9 the same day.

10 Q Did Mr. Carroll have access to your telephone
11 in the back room?

12 A Yes.

13 Q Would you tell us who paid the telephone bill?

14 A Well, I paid the telephone bill, but if Tommy
15 ever made like out of the local area calls, he would ask
16 the operator how much they were and he would reimburse me.

17 Q Do you know the defendant Mike McCloskey?

18 A Yes, I do.

19 Q Did you ever see him in Wall's Triangle Tavern?

20 A Yes, I did.

21 Q Did he have access to your telephone?

22 A Yes, but he never asked me to use it that much.

23 Q Now, did you ever receive any money from Mike
24 McCloskey for telephone calls?

25 A No.

Q Did you ever know a man named Jack or Jack Turner?

A Yes, I seen him in my tavern, too.

Q Did he have access to your telephone?

A Yes.

Q Would you tell us whether Mr. Turner ever gave you money for telephone calls?

A No.

MR. KENNEY: I have no further questions of this witness.

THE COURT: Mr. Direnzo?

CROSS-EXAMINATION

BY MR. DIRENZO:

Q You testified on direct examination, Mr. Wall, that you know Tommy some six years?

A Yes.

Q You came to know him as a customer at Wall's? Is that correct?

A Actually more than a customer -- a neighbor.

Q And, as a matter of fact, he had purchased a home not too far from your place of business?

A That is correct, right around the corner.

Q That was pretty much as a result of that home that he would frequent your place?

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4500

1 A Correct.

2 Q By the way, you never knew Tommy Carroll to be
3 known by the name of Tony? Did you?
4

5 A No, I just know him as Tommy.

6 Q That is the only name you ever knew him by?

7 A Yes.

8 Q Incidentally, on the occasions when he made a
9 telephone call from your place and it was outside of the
10 area code, you testified that he always reimbursed you for
11 those calls?

12 A Yes, sir.

13 Q You were asked who else made telephone calls
14 there, and did you testify that Mr. McCloskey, Mike
15 McCloskey, made calls occasionally?

16 A Right.

17 Q But those were within the area? Is that
18 correct?

19 A That is right. Mike McCloskey owned a tavern
20 in our local area.

21 Q He owns a tavern in your local area?

22 A HE did when I met him.

23 Q Now, incidentally, you said you are a Teamster,
24 so I take it sometimes during the course of the week you
25 are engaged in an occupation besides the operation of Wall's

1
2 Tavern?

3 A Right.

4 Q I take it you either have a barmaid or a bar-
5 tender attending the needs of the business during the day
6 and you have one at night? Is that correct?

7 A That is correct.

8 Q I think you said your phone was located in the
9 back?

10 A In the kitchen.

11 Q In other words, your phone couldn't be used
12 unless you entered the kitchen? Is that correct?

13 A That is correct.

14 MR. DIRENZO: Thank you so much.

15 MR. MARTIN: I have no questions.

16 MR. HAFETZ: No questions.

17 MR. HOPPER: No questions.

18 MR. KENNEY: No redirect.

19 THE COURT: Thank you.

20 MR. KENNEY: May Mr. Wall be excused?

21 THE WITNESS: Yes.

22 (Witness excused.)

23 MR. KENNEY: The government's next witness is
24 John Turner.

25 THE COURT: We will have to excuse the jury for

a few minutes.

(Jury excused.)

MR. DURENDO: Your Honor, may I be excused during the use immunity application on this witness with my client's consent?

THE COURT: With your consent?

DEFENDANT CARROLL: Yes.

THE COURT: Where is his attorney?

MR. KENNEY: His attorney is with him in the witness room. Mr. Kaplan is not here, but his associate, Kenneth Clark is; he has had a copy of the order.

THE COURT: Bring him in here.

(John Turner, together with his attorney, Kenneth Clark, made his appearance in the courtroom.)

MR. CLARK: Your Honor, I am an associate of Mr. Kaplan's, who is the attorney of record for Mr. Turner. Mr. Kaplan was unexpectedly called away to Washington this afternoon and is unable to be here. I am familiar with the case and the facts surrounding it, and at this time I would like to ask that my name be entered as attorney of record, along with Mr. Kaplan's.

THE COURT: All right.

Mr. Turner, has Mr. Clark explained to you this application by the government for the Court to grant you

SOUTHERN DISTRICT COURT REPORTERS

INTER-STATE COURT HOUSE

400 F STREET, N.W. WASHINGTON, D.C. 20001 TELEPHONE: CLEVELAND 7-5110

immunity for any facts that you may testify to regarding a robbery of Rocco DiGeorgio outside the Plaza National Bank in Secaucus, New Jersey, on March 22, 1973?

JOHN TURNER: Yes, he has.

THE COURT: Mr. Clark, have you so advised Mr. Turner?

MR. CLARK: Yes, your Honor, we have discussed the application of the government.

THE COURT: You understand that this immunity is a so-called use immunity.

And Mr. Clark, have you explained to Mr. Turner the word "use" immunity?

MR. CLARK: Yes, I have explained to him that any testimony he gives here concerning the transaction in question on March 22 cannot be used against him in any other prosecution.

THE COURT: You understand that?

MR. TURNER: Yes.

THE COURT: Do you understand, Mr. Turner, that you are receiving no immunity for testimony that you give here regarding the facts of this case, to wit, the robbery and murder of April 5, 1973?

JOHN TURNER: Yes, your Honor, I understand that.

THE COURT: You understand that if you are to be

asked any questions regarding the robbery at the Plaza National Bank, Secaucus, New Jersey, on March 22, 1973 you could plead your Fifth Amendment privileges? Is that correct?

JOHN TURNER: Yes, your Honor.

THE COURT: Have you so advised the witness?

MR. CLARK: Yes, I have.

THE COURT: I am, therefore, signing this order, Mr. Turner, directing that you answer such questions regarding the events of March 22, 1973, because I am hereby giving you immunity granted by statute. Do you understand that?

JOHN TURNER: Yes.

THE COURT: Mr. Clark, you have explained to the witness this order that I am signing?

MR. CLARK: Yes, I have.

THE COURT: Bring the jury back.

MR. MARTIN: May I note my exception in the record to this procedure?

THE COURT: Yes.

MR. DIRENZO: It is continuing for everyone.

(The jury took its place in the jury box.)

(Continued on page 1360.)

JOHN JOSEPH TURNER, a witness called on
behalf of the government, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Turner, would you tell us what your home
address is?

A My present home address?

Q Yes, your residence, where your family lives.

A 105 Sixth Avenue, Bayonne, New Jersey.

Q Now you have been indicted in connection with
this case on trial? Is that correct?

A That is correct.

Q You have pleaded guilty to a portion of that
indictment?

A That is correct.

Q You pleaded guilty to a part of the third
count in the indictment which charged you with assault on
a postal employee in custody of the mail?

A Yes.

Q And the maximum penalty that could be imposed
on that could be ten years in jail?

A That is correct.

MR. HAFETZ: May we approach the bench?

1 THE COURT: Yes.

2 (At the bench.)

3 MR. HAFETZ: I think this is an erroneous state-
4 ment.

5 THE COURT: He pled to the first half. There
6 are two parts. There is a lesser included offense.

7 MR. HAFETZ: Under Count 3?

8 THE COURT: Yes.

9 (In open court.)

10 Q Mr. Turner, you also pleaded guilty to the con-
11 spiracy count in this indictment?

12 A That is correct.

13 Q Do you know what the maximum sentence that
14 carries is?

15 A My attorney advised me five years.

16 Q So the maximum penalty you may face is 15 years
17 in jail? Is that correct?

18 A That is correct.

19 Q Now, prior to this indictment and during the
20 course of this crime you were an active informant for the
21 Federal Bureau of Investigation?

22 A That is correct.

23 Q Did you at any time inform any member of the
24 Federal Bureau of Investigation about the facts of this
25

mmd12a

Turner-direct

1706a

1361a

offense prior to April 5, 1973?

A No, I did not.

(Continued on page 1362.)

T5A

fol1.

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-6600

T5A

Q Have you ever been convicted of any crime other than the one on trial?

A No, I have not.

Q Is it also your understanding that you have been granted immunity from the use of your testimony in this case in any prosecution for the robbery of Rocco DiGiorgio on March 22, 1973?

A That's correct.

Q And you do not expect to be prosecuted for that crime, is that true?

A Not for anything I say here.

MR. DIRENZO: Can't hear him, your Honor.

THE COURT: "Not for anything I say here."

Q Mr. Turner, have you been promised anything in return for your plea of guilty in this case and your testimony here?

A Yes, I have.

Q And would you tell us who made that promise to you?

A I was promised by the United States Attorney's office, Southern District of New York, that I would not be prosecuted on the other count on the indictment.

Q The remaining part of the indictment?

A That's correct.

Q Have you been promised anything else?

A I haven't been promised anything else.

Q Well, has the government told you that they will call to the attention of the sentencing judge whatever cooperation you give in this case?

A Yes, they did.

Q Now, do you know the defendant Tommy Carroll?

A Yes, I do.

Q And would you tell us when you first met him?

A Early part of February of this year.

Q 1973?

A That's correct.

Q And after you met him, did there come a time when you discussed with Mr. Carroll the facts leading up to this case?

A Yes.

Q Would you tell us when you had your first conversation with Mr. Carroll about that?

A It was, I believe, the second week in March of this year.

Q And would you tell us where that was?

A At Wall's Tavern, North Bergen, New Jersey.

Q Was there anyone else present at that time?

A Mike McCloskey was also present.

1 Q And do you know Mike McCloskey?

2 A Yes, I do.

3 Q Do you see him in the courtroom?

4 A Yes, I do.

5 Q Would you point him out for the jury, please.

6 A He is sitting over there alongside of you in the
7 green uniform.

8 Q And would you point Tommy Carroll out, please.

9 A He is sitting with the glasses, with the beard,
10 alongside of Mike McCloskey.

11 MR. DIRENZO: We concede the identification of
12 Mr. Carroll.

13 THE COURT: Mr. Martin?

14 MR. MARTIN: He pointed to the defendant Vincent
15 McCloskey.

16 Q How long have you known Mike McCloskey?

17 A Approximately the same length of time that I knew
18 Mr. Carroll.

19 Q Would you tell us what was said and who said it
20 in the conversation that you have referred to in Wall's
21 Tavern?

22 A Well, we were standing at the bar in Wall's
23 Tavern, and we were having a discussion about something
24 else, and Tommy Carroll said to me that we had a score in
25

1
2 New York, and I would have to drive a straight truck, and
3 when I asked him what it was, he said that I wouldn't have
4 anything to worry about if it came off.

5 Q And did Mr. McCloskey say anything?

6 A No, he did not.

7 Q Was anything else said in that conversation?

8 A No, there was not.

9 Q Now, would you tell us when the next time was
10 that you had a conversation with regard to this case?

11 MR.DIRENZO: Objection.

12 THE COURT: Overruled.

13 A It was the following week.

14 Q And could you place this more clearly for us,
15 what month would it be?

16 A That was in March. The exact date, I believe,
17 to the best of my knowledge, was the 15th of March.

18 Q And what day of the week is that, if you know?

19 A That was a Thursday.

20 Q Where were you?

21 A At Wall's Tavern.

22 Q What time of day was it?

23 A It was in the afternoon, mid-afternoon, about 3
24 o'clock.

25 Q Was there anyone else there?

1
2 A Mike McCloskey was present.

3 Q Was there anyone else in Wall's Tavern at all
4 at that time?

5 A There were other customers in the bar.

6 Q Would you tell us what was said at that time
7 and who said it?

8 A Tommy Carroll had said to me that, in reference
9 to -- he said that he would have to get in touch with
10 Chester Crawford to arrange for two individuals to -- two
11 black individuals to come up from D.C.

12 Q Was -- I am sorry?

13 A Tommy Carroll had said to me that he would have
14 to get in touch with Chester Crawford to arrange for
15 Chester to have two black individuals come up from D.C.

16 Q And had you met Chester Crawford at that
17 point?

18 A I had met him two days before that.

19 Q Where did you first meet him?

20 A At Wall's Tavern.

21 Q And were you introduced to him?

22 A Not formally. But he was in a conversation
23 with Mr. McCloskey.

24 Q Now, after that conversation, what was the next
25 thing that happened?

1 A It was on the following day.

2 Q And what time of day?

3 A It was early in the morning.

4 Q And where were you on this occasion?

5 A At Wall's Tavern.

6 Q And who was present at that time?

7 A It was myself, Tommy Carroll and Mike McCloskey.

8 Q And what happened on that day?

9 A There was a discussion between the three of us
10 that --

11 MR. DIRENZO: Objected to, your Honor.

12 THE COURT: Overruled.

13 To the best of your ability, repeat what each one
14 said. If you can't, give us the general substance of what
15 was said.

16 A What's the question? Would you repeat that ques-
17 tion again, please?

18 Q Yes. Would you tell us, at that time, to the best
19 of your recollection, what was said and who said it.

20 A There was a discussion between myself, Mike
21 McCloskey and Tommy Carroll, and Tommy had said to me that
22 he was waiting to receive a telephone call from Chester
23 Crawford to find out if Chester had in fact contacted the
24 individuals from D.C., and when they would arrive.
25

1 Q Was anything else said?

2 A Not at that point.

3 Q Now, referring to approximately the 16th of
4 March, would you tell us what the next thing that happened
5 was?
6

7 A Well, it was also on the 16th. It was later
8 on in the day that Tommy Carroll and I had a discussion
9 with reference to the DiGiorgio robbery.

10 MR. DIRENZO: Move that the answer be stricken,
11 your Honor.

12 THE COURT: Overruled.

13 Q Would you tell us what that conversation was,
14 what you said and what he said?

15 A Tommy had said to me that we would need money
16 because nobody had any money, and we would have to think
17 up, figure out some place to get some money in the interim,
18 while we were planning this other robbery, and I suggested
19 to him the DiGiorgio robbery that eventually took place.

20 Q Would you tell us what the DiGiorgio robbery
21 is, what exactly you suggested to Mr. Carroll?

22 A Well, I informed Mr. Carroll that the place
23 where I had previously worked, the shop steward used to
24 take the payroll checks and cash them on Thursday, when
25 I said that to him, he said, "Yes, I know about that, but

there was noway that I could do it because I know him."

So he said, "Well, we'll have to see what we can come up."

Q Was anything else said at that time?

A No, not at that time.

Q Now, did you do anything else on the 16th of March that you can recall?

A No, I did not.

Q What was the next day that you did something or participated in conversation relating to this case?

A It was the following Monday.

Q And do you know the date?

A It was the 19th of March.

Q And what did you do on that day?

A I met Mike McCloskey at Wall's Tavern.

Q What time of day, do you recall?

A It was approximately 11.30 in the morning.

Q And did you meet anyone else with McCloskey?

A Not at that time.

Q Did you have a conversation with Mike McCloskey?

A Yes, I did.

Q Would you tell us what you said and what he said?

A Well, when I arrived at Wall's Tavern, I walked in the door, Mike said to me -- I said to Mr. McCloskey

1 that, "What are we going to do?" And he said, "Well,
2 Tommy's in court, so we will have to stay here and wait
3 for Chester to call and find out what's happening."
4

5 MR. DIRENZO: I didn't hear that answer.

6 THE WITNESS: When I arrived at Wall's Tavern,
7 I asked Mr. McCloskey what we were going to do, and he
8 said to me that Tommy was in court, and we were waiting for
9 Chester Crawford to call.

10 MR. DIRENZO: Move for a mistrial on behalf of
11 the defendant Carroll, declaration of a mistrial, and
12 withdrawal of a juror.

13 THE COURT: Denied.

14 Q Was anything else said in that conversation with
15 Mike McClosky?

16 A Not at that time.

17 Q Did you do anything else on that day?

18 A Later on in the day, yes.

19 Q And where were you?

20 A At Wall's Tavern.

21 Q What time was it?

22 A Approximately 6.30 in the evening.

23 Q Who was present at that time?

24 A Myself, Mike McCloskey and Tommy Carroll.

25 Q And did you have a conversation?

1 A Yes, we did.

2 Q Would you tell us again what was said and who
3 said it?

4 A Tommy Carroll arrived at Wall's Tavern about 6.00
5 p.m., and he had asked me first if Chester Crawford had
6 called, and I said yes, and that Chester was going to call
7 back. And then he asked me if Chester had left, had said
8 anything in reference to the individuals, the two individuals
9 supposed to come up from D.C. I said no, I didn't talk
10 to him long enough, I didn't ask him any questions. But
11 he's supposed to call back around 6.30 p.m.

12 Q And did anything else happen on that day?

13 A Yes, there did. I then told Tommy Carroll that
14 I was going to go home, and he said, "Well, hang around a
15 while." And I said, "For what?"

16 He said, "Well, we want to find out if these
17 guys are coming up tonight."

18 I stayed there a little while longer and about
19 8 o'clock that night we had another discussion.

20 Q Was this discussion at Wall's Tavern?

21 A Yes, it was.

22 Q Was this on Monday night, the 19th?

23 A That's correct.

24 Q And who was present at that time?

1 jkp

Turner-direct

1717a

1372

2 A Myself, Mike McCloskey and Tommy Carroll.

3 Q Would you tell us again what was said and who
4 said it?

5 A Well, in the interim, Chester Crawford had called
6 and Tommy Carroll had spoken to him, and Tommy had told me
7 at that point that Chester had told him on the telephone
8 that he had been in touch with the two individuals that were
9 coming up from D.C., and they would be up either the following
10 day or Wednesday.

11 Q Was anything else said at that conversation?

12 A Yes, there was.

13 Q What was that?

14 A Tommy had said to me that if the two individuals
15 had arrived from D.C. early enough, that he would like to
16 use them on the robbery in Secaucus, to see how it worked
17 out.

18 Q Now, did you do anything else on that day, Monday?

19 A No, I did not.

20 Q Directing your attention, then, to the next day,
21 Tuesday, March 20, did you do anything on that day in con-
22 nection with this case?

23 A Yes, I did.

24 Q And what time of day?

25 A It was in the morning. I met Tommy Carroll and

Mike McCloskey at Wall's Tavern.

Q Did you have a conversation with them at Wall's Tavern?

A Yes, I did.

Q Would you tell us again what you said and what each one of them said, the best you can recall?

A When I arrived at Wall's Tavern, Tommy had said to me that he had spoke to Chester the previous evening, after I had left, and that the two individuals would, in fact, be up some time that afternoon or on Wednesday morning, and that we would -- when they came up, we would meet and discuss with them and find out if in fact they would be willing to do a jewel robbery.

Q Was anything else discussed at that time?

A No, there was not.

Q Did you do anything else on that day?

A I did not.

Q Did you meet with anyone?

A No, I did not.

Q When was the next time that you did anything in connection with this case?

A The next day.

Q And what did you do on that day?

A I again met Mike McCloskey at Wall's Tavern.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

jkp

Turner-direct

1719a

1373a

Q What time was that, if you know?

A It was approximately 11.30 in the morning.

Q Was there anyone else present?

A No, there was not.

12/19/73
PM T-5b

jkmch 1

Turner-direct

1720a

1374

Q Was there anyone else in Wall's Tavern?

A The barmaid was there, the woman who worked there and the woman who worked in the kitchen was there, but I don't believe there was any customers there at the time.

Q And did you have a conversation with Mike McCloskey at that time?

A Yes, I did.

Q Would you tell us what was said?

A Mike told me that we would have to stay there that afternoon to wait for Chester Crawford to call, as he was supposedly en route to Wall's Tavern with the individuals from D.C.

Q And was anything else said?

A Not at that time.

Q After that conversation, what did you do?

A I stayed at Wall's Tavern with Mike McCloskey the rest of that afternoon.

Q Did there come a time when you left Wall's Tavern?

A Yes, yes.

Q And where did you go?

A From there I went home.

Q Now, did you do anything else on that day in

1 connection with this case?

2
3 A Yes, I did.

4 Q And what was that?

5 A I received a phone call home, approximately
6 8:30 that night, and it was Tommy Carroll who had called
7 me and he asked me to meet him at Wall's Tavern.

8 Q And did you go to Wall's Tavern?

9 A Yes, I did.

10 Q What time did you get to Wall's Tavern?

11 A It was approximately 8:45 in the evening.

12 Q When you reached Wall's Tavern, who did you
13 meet there?

14 A Tommy Carroll and Mike McCloskey.

15 Q And did you have a conversation at that time?

16 A Yes, I did.
17
18
19
20
21
22
23
24
25

5Cpm
Carroll

1 jkd1
2 Q And again, would you tell us what was said and
3 who said it?

4 A Tommy Carroll told me that Chester Crawford was
5 on his way over to Wall's Tavern and that we were waiting
6 there for him and he had the two individuals who had come
7 up from D.C. with him and they were going to meet and we
8 were going to have a discussion as to what we were going to
9 do.

10 Q Did you meet anyone that night?

11 A Yes, I did.

12 Q And how much later did you meet these people?

13 A It was about a half hour after I arrived at
14 Wall's Tavern.

15 Q And who did you meet?

16 A Chester Crawford, Terry and Geoffrey.

17 Q And where did you meet?

18 A Well, Chester Crawford came into Wall's Tavern
19 and told us that Terry and Geoffrey were outside, and Tommy
20 suggested that we go around to a different car around the
21 corner, at which point we did.

22 Q And how did you get to the different bar?

23 A I walked around the corner.

24 Q And what was the name of that bar?

25 A Iodyce's Bar.

Q And when you reached there did you meet with anyone there?

A Not on the inside, no.

Q Did you meet with anyone outside that bar?

A Yes, I did.

Q And who did you meet with outside?

A Chester Crawford, Terry Myers, Terry, Geoffrey and Harry.

Q Was there anyone else there besides yourself and the people you mentioned?

A Yes, Tommy Carroll and Mike McCloskey were also there.

Q Were you introduced to these people at that time?

A I was not formally introduced, no.

Q Was there a conversation at that time?

A Yes, there was.

Q Would you tell us who took part in that conversation?

A Tommy Carroll was in a discussion away from myself and Mike McCloskey, with Chester Crawford, and then he came back to me and said that we would have to -- he wanted me to come over into the conversation, at which point I did, and he told me that they were willing to perform the robbery the following day, and I was to meet them the next day at

8:00 o'clock at Iodyce's Tavern and point out the individual who had the money.

Q And did you have any further conversation at that point?

A Yes, I did.

Q Who was that conversation with?

A Tommy Carroll and Mike McCloskey.

Q Was there anyone else present at this conversation?

A No, there was not.

Q At that point, would you tell us where Chester and I believe you said Terry Myers, Geoffrey Mann and Harry Johnson -- is that right?

A That is true.

THE COURT: Did he mention Harry Johnson?

THE WITNESS: Yes, I did, your Honor.

THE COURT: Go ahead.

Q Would you tell us where they were at that point?

A They had left the immediate area.

Q Were they on foot or in an automobile?

A They left in an automobile.

Q What was said in the conversation?

A Tommy had told me that things looked good for tomorrow morning and to make sure that I was there, and if it

1 worked, we would have money to get the car that we would
2 eventually need, and I asked him, "What car are you talking
3 about?"
4

5 He said, "Well, we're going to have to get a car
6 touse."

7 So he said, "I don't know if we're going to rent
8 one or maybe we'll have to figure out a way to get a car."
9

10 Q Was anything else said at that time?

11 A No, there was not.

12 Q Directing your attention, then to the next day,
13 Thursday, March 22nd, did you meet with anyone in the morning
14 of that day?

15 A Yes, I did.

16 Q And what time did you meet?

17 A Approximately 8:00 o'clock in the morning I met
18 with Mike McCloskey, Chester Crawford, Terry, Geoffrey and
19 Harry.

20 Q Where did you meet with these people?

21 A At Iodyce's Bar in North Bergen.

22 Q Was that inside the bar or outside the bar?

23 A IT was outside the bar.

24 Q Did you have a conversation when you met these
25 people?

A No, I did not.

Q After you met them, did you go anyplace?

A Yes, we did.

Q Would you tell us where you went and how you got there?

A I went with Mike McCloskey in his car, and Terry, Geoffrey, Chester Crawford and Harry left in Chester's car, and they followed us and we drove to a lot in Secaucus, New Jersey, on County Avenue.

Q Do you know what the address of that lot is?

A I believe it is 54 County Avenue.

Q Can you tell us what building it is next to?

A It is next to the Elk's Club.

Q Is there anything on the lot?

A There is an office trailer on that lot.

Q And where is that lot, if you know, from the Plaza National Bank in Secaucus?

A It is approximately a mile down the road from the Plaza National Bank.

Q Now, do you know what the purpose of that trailer in the lot is?

A It was rented by Tommy Carroll as an office for his business.

Q What is the name of that business, if you know?

A Meadowlands Cab & Limousine Service.

Q And was it an operating business at that time?

A Not at that time.

Q Now, when you reached the lot, what did you do?

A Well, we stayed there -- I stayed in the car with Mike McCloskey, and the other individuals stayed in their car and we were waiting for DiGeorgio to pass by.

Q Was there any conversation between you and Mike McCloskey?

A Just general conversation.

Q And did you at any time, while you were at the lot, have a conversation with anyone other than Mike McCloskey?

A No, I did not.

THE COURT: Could we just have a short recess?
The jury can stay here.

(Recess.)

BY MR. KENNEY:

Q At the point we stopped at, Mr. Turner, we were at a lot with a trailer on it. Did there come a point when you left that lot?

A Yes, we did.

Q And when you left, would you tell us why you left the lot.

A Well, Rocky DiGeorgio had passed by in his car.

Q And when you left the lot were you driving or was Mike McCloskey driving?

A Mike was driving.

Q And what car were you in?

A I was in Mike's car.

Q What kind of a car was that, if you recall?

A It was a '72, 1972 Chevrolet, maroon and white.

Q And did you notice whether the other car on the lot left behind you?

A Yes, it did.

Q And would you tell us where you went?

A We proceeded to follow Rocky DiGeorgio, who drove to Linden, New Jersey; and he dropped somebody off in Linden, New Jersey, and then he came back to the Plaza National Bank in Secaucus.

Q If you recall, what road did he take to Linden, New Jersey?

A The New Jersey Turnpike.

Q And when he came back, what did you do?

A We followed him back to the bank at which point he parked his car across the street from the bank, and he got out of his car and we parked beyond his car, on the right hand side of the road in a driveway, so that we could observe him coming out of the luncheonette alongside the bank.

Q Where was the other car that had been on the lot with you?

A He was immediately behind us.

Q And what kind of car was that, if you recall?

A IT was a yellow and gold Plymouth.

Q Who was driving that car?

A Chester Crawford.

Q And after you stopped, what did you do?

A Chester Crawford pulled his car alongside of ours and said, "Where is he?"

And I turned around and I said, "There he is now, coming out of the bank," at which point Terry and Geoffrey got out of Chester's car and grabbed Rocky DiGeorgio in the middle of the street.

Q Now, you said they grabbed him in the middle of the street. Can you describe just what they did?

A They ran up to him and grabbed him and forced him into his car.

Q Did either of those two men, Terry or Geoffrey, have anything in their hand when this was going on?

A They had a gun.

Q And who had the gun?

A Terry Myers had the gun.

Q And do you know where that gun came from?

1 A Mike McCloskey gave it to him.

2 Q Did you see Mike McCloskey give it to him?

3 A Yes, I did.

4 Q And when did he give it to him?

5 A Earlier that day, at Iodyce's Tavern.

6 Q I'm sorry, I couldn't hear.

7 A Earlier that day, Iodyce's Tavern.

8 Q Would that be that morning when you were at
9 Iodyce's Tavern?

10 A That morning.

11 Q After Terry and Geoffrey forced Mr. DiGeorgio into
12 the car, what happened?

13 A They then drove his car back past where we had
14 been situated in a lot, towards where Mr. DiGeorgio was going,
15 and we followed and they parked the car up against a building
16 and let him out of the car, and Rocky DiGeorgio then proceeded
17 to walk alongside the building, and Terry and Geoffrey then
18 came back, and Geoffrey got in the car with Mike and myself,
19 and Terry got in Chester's car.

20 Q And after Geoffrey got in your car, where did you
21 go?

22 A We went back to Iodyce's Tavern.

23 Q And what did you do at Iodyce's Tavern?

24 A Myself, Chester Crawford, Mike McCloskey and
25

1 Terry Myers then got back into Mike McCloskey's car and we
2 drove up to a motel on Route 46.

3 Q And do you remember which motel it was?

4 A I do not remember the name of it.

5 Q And where is the motel that you went to in
6 relation to the George Washington Bridge?

7 A It's about a half mile before the toll booth on
8 Route 46.

9 Q And when you reached the motel, would you tell us
10 what you did?

11 A We drove -- Mike drove into the area where the --
12 inside the parking lot, and then Mike went in, got out of the
13 car and went into the office, and rented a room, at which
14 point he came back and we all went to the room and where we
15 separated the money.

16 Q Did you receive any money?

17 A Yes, I did.

18 Q How much money was there, if you know?

19 A It was \$8,200.

20 Q How much money did you receive?

21 A Well, Mike and myself took \$4,100.

22 Q And what happened to the other \$4,100?

23 A Terry and -- Terry Myers took that, and he was to
24 split that with Geoffrey.
25

2 Q And of the \$4,100 that you and Mike McCloskey got,
3 how much did you get?

4 A We gave Chester Crawford \$500 and the rest,
5 remaining 3,600 was divided between myself, Mike and Tommy
6 Carroll.

7 MR. DIRENZO: I move that that answer be stricken,
8 your Honor.

9 THE COURT: Overruled.

10 (Continued on page 1387.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did you give the money to Tommy Carroll?

A Yes, I did.

Q When did you give it to him?

A Later on that day.

Q After the money was counted and divided at the motel, where did you go?

A We returned to Iodyce's Tavern, and Mike and myself then went to Wall's Tavern, where we stayed 'til later on in the afternoon.

Q Now, during the period of time you were at Wall's Tavern with Mike McCloskey, did you have a conversation with him that was related to this case?

A Yes, I did.

Q What was that conversation?

A Mike said that everything had gone well and possibly we could have the double-header that day.

Q Was anything else said?

A Not at that time.

Q Now, did you go any place from Wall's Tavern?

A YES. Mike and I left Wall's Tavern about 3:00 o'clock that afternoon.

Q Where did you go?

A We went to Lou's Bar on the corner of Maiden Lane and South Street in Manhattan.

2 Q Did you go in the bar or did you stand on the
3 street?

4 A Mike and I went into the bar.

5 Q Did you meet anyone there?

6 A Not inside, no.

7 Q Did you meet anyone at any time in that area?

8 A Yes, I did.

9 Q What time did you meet someone?

10 A Approximately 4:30 that afternoon Chester Crawford
11 came in and said that we were waiting for Tommy Carroll to
12 arrive and said that everybody was outside, and Mike told
13 him it's best they stay outside and we will wait inside for
14 Tommy to arrive.

15 Q Did there come a time when Tommy Carroll arrived?

16 A Yes, he did.

17 Q How much after that did he arrive?

18 A It was later than we expected; it was almost 6:00
19 o'clock when he arrived.

20 Q When he arrived did you meet him inside the bar
21 or outside the bar?

22 A Inside the bar.

23 Q When he came in did you have a conversation?

24 A Yes, we did.

25 Q Will you tell us what was said and who said it?

2 A Tommy Carroll came in the bar, in Lou's. He said
3 to myself and Mike that he had been jammed up that day and he
4 couldn't get there any earlier, so we might as well pass for
5 today.

6 Q After he said that, did you meet anyone other
7 than the people that you mentioned so far?

8 A Not other than I had mentioned so far, no.

9 Q Did you go any place?

10 A No, I did not.

11 Q Was there any further conversation in that bar?

12 A Yes. Tommy had asked me how things had gone
13 earlier in the day, and then at that point I handed him the
14 money.

15 Q How much money did you hand him?

16 A \$1,180.

17 Q Did you say \$1,180?

18 A Yes.

19 Q Did you explain why you gave him \$1,180?

20 A Well, I had \$1,200 of my own money and \$1,200 for
21 him. And I had used some of my money earlier that day, and
22 when I reached in my pocket, I reached in the wrong pocket
23 and I assumed it was \$1,200 when I gave him the money, but it
24 turned out it was only \$1,180.

25 Q Did you at any time give him the other \$20?

A The following day.

Q After you gave Tommy Carroll the money, did you do anything else or have any other conversations at that point that related to this case on that day?

A Chester Crawford had come in the bar in the interim, and the conversation Tommy and I was having, and Tommy had said to him that it was much too late now, that he might as well forget it until tomorrow.

Q Was anything else done on that day?

A No, there was not.

Q Did there come a time when you left Lou's Tavern?

A Shortly after Chester Crawford came in we all left.

Q Directing your attention to the next day, Friday, the 23rd, did you do anything on that day?

A I had met Tommy Carroll and Mike McCloskey at Wall's Tavern.

Q What time?

A Approximately 11:30 in the morning.

Q If you recall, was anything said at that time?

A Tommy had said to me that he had hoped that today would be the day that we could finally get this trick over with.

Q Was there any other conversation that you recall?

A Later on there was another conversation.

2 Q And were you still in the same place, Wall's
3 Tavern?

4 A Yes.

5 Q Will you tell us approximately what time of day
6 you are referring to?

7 A It's approximately 2:00 o'clock in the afternoon.

8 Q Who was present?

9 A Myself, Tommy Carroll and Mike McCloskey.

10 Q What was said at that time?

11 A Tommy had said to me -- Tommy was speaking to me
12 and he said that he still had to arrange for a car that we
13 could use, and he thought possibly it would be a good idea
14 to rent one and then go back and steal it later on.

15 Q Was anything else said in this conversation?

16 A Yes, that Tommy would call Eyleen Holder, and
17 see if she could possibly rent a car, because it would not
18 be any good if anyone of us rented a car.

19 Q Who is Eyleen Holder?

20 A She is a barmaid that works in Two Guys in
21 Secaucus, New Jersey.

22 Q Prior to that day, Friday, March 23, 1973, had
23 you met Eyleen Holder?

24 A Yes.

25 Q Did you know her?

A Yes, I did.

Q Now, after that conversation about the car, was anything else said?

A Not at that point.

Q Did you do anything on that day in connection with this case?

A Shortly thereafter, Tommy received a phone call in Wall's Tavern, and when he came back from speaking on the phone he said it was Chester. He said, "They are waiting for us over in New York, " at which point we left Wall's Tavern, myself, Tommy and Mike, to meet Chester in New York.

Q Did you go to New York?

A Yes, I did.

Q How did you get there?

A We drove over in Mike's car.

Q Where did you go in New York?

A To Lou's Tavern on Maiden Lane and South Street.

Q When you reached Lou's Tavern did you go inside?

A No, I did not.

Q Did you meet anyone outside Lou's Tavern?

A Yes. I met Chester Crawford.

Q Did you meet anyone else?

A No, I did not.

Q Was there a conversation at that time?

A Chester had said to the three of us in the car that he was waiting for Terry and Geoffrey to meet him, but he had no idea where they were.

Q Did you meet anyone other than Chester at any time on the 23rd?

A No, I did not.

Q Did you do anything else on that day in connection with this case?

A No, I did not.

Q Now, would you tell us, if you recall, when is the next time you did something related to this case?

A It was the following Monday.

Q What time of day was that?

A Approximately 11:30 in the morning.

Q Where were you?

A At Wall's Tavern.

Q Who else was present?

A Myself and Tommy Carroll and Mike McCloskey.

Q Was anything said at that time?

A When I arrived at Wall's Tavern, Tommy Carroll had said to me that he was waiting for Chester Crawford to call to see if we were going to go to New York later on that day.

Q Was anything else said that you can recall?

A Not that I can recall.

Q Did you go anyplace on that day?

A Yes, later on in the afternoon myself, Tommy Carroll and Mike McCloskey came to New York City.

Q How did you get to New York City on that day?

A Drove over in Mike McCloskey's car.

Q Where did you go in New York City?

A To Lou's Tavern.

Q When you reached Lou's Tavern -- that's again on Maiden Lane and South Street?

A Yes, it is.

Q When you reached there what did you do?

A We were waiting for Chester Crawford and Myers and Mann to arrive.

Q Did they arrive?

A Chester did, but I don't remember if Myers and Mann did.

Q Were you waiting inside the tavern or outside the tavern?

A Outside.

Q When Chester arrived did you have a conversation with him?

A No. Tommy Carroll had a conversation with Chester.

Q Did you hear that conversation?

A No, I did not.

Q After that conversation did you do anything?

A Came back to New Jersey.

Q Did you do anything else that night, Monday night?

A Well, when we came back to New Jersey I went home and I didn't do anything else that day, no.

Q Now, directing your attention then to the next day, Tuesday, the 27th of March, did you meet anyone on that day in connection with this case?

A Yes, I did.

Q What time of day?

A Again it was approximately 11:30 in the morning.

Q Where were you?

A I met Tommy Carroll at Wall's Tavern.

Q Was there anyone else there at that time?

A There were other customers in the place, yes.

Q Did you have a conversation with Tommy Carroll?

A Yes.

Q Tell us what you said to him and what he said to you.

A When I arrived there, I had asked him what the story was, and he said to me that he was waiting for Mike

McCloskey, Mike had gotten a car and he was waiting for Mike to come to Wall's Tavern, and he was also waiting for Chester to call.

Q Did you meet Mike on that day?

A Yes, I did.

Q What time did you meet him?

A Approximately 1:00 o'clock in the afternoon.

Q Where did you meet him?

A Wall's Tavern.

Q Did he have a car with him?

A Yes, he did.

Q Would you describe that car?

A It was a 1973 blue station wagon, Chevrolet.

MR. MARTIN: May we have the date fixed on this?

THE COURT: March 27th.

Q After you met Mike McCloskey, did you have a conversation with him?

A Yes, I did.

Q Where was that conversation?

A In Wall's Tavern.

Q Was there anyone else present?

A Tommy Carroll was present.

Q Will you tell us what was said?

A Mike came in. When Mike walked into Wall's

Tavern, myself and Tommy were standing alongside one another, and Tommy asked Mike if he had got the car, and Mike said yes, he did. And then Tommy asked Mike where the car was. He said it was outside. And then Tommy and I both proceeded outside to look at the car.

Q What time of day was that?

A Approximately 1:00 o'clock in the afternoon.

Q After that point did you go any place?

A Yes, we did. We came back to New York City again.

Q Where did you go in New York City?

A To Lou's Bar.

Q How did you get there this time?

A I went with Tommy Carroll in Mike McCloskey's car, and Mike drove the blue station wagon that he had with him.

Q What time did you reach Lou's Bar?

A It was approximately 4:00 p.m.

Q Did you meet anyone there?

A Later on, yes, we did.

Q Were you in Lou's Bar or outside?

A Outside.

Q What time did you meet someone?

A It was about 4:15. Chester Crawford arrived.

Q Was anyone with him?

2 A No, there was not.

3 Q Did you meet with Chester yourself?

4 A Yes, I did.

5 Q Was this outside Lou's Bar?

6 A That is correct.

7 Q Was anyone else present when you met him?

8 A Tommy Carroll and Mike McCloskey.

9 Q Was anything said on that occasion?

10 A Chester had said that he had not seen Terry or
11 Geoffrey and he didn't know where they were, he was waiting
12 for them to arrive.

13 Q Can you tell us, did you see Terry or Geoffrey
14 that day?

15 A I did not.

16 Q What did you do after that conversation?

17 A I got back in the car with Tommy Carroll and
18 followed Mike McCloskey up to 57th Street, where he was park-
19 ing the station wagon he was driving, and he parked it in an
20 overnight garage, and then got back in the car with us, and
21 we went back to New Jersey.

22 Q Did you do anything else on that Tuesday night
23 that related to this case?

24 A I did not.

25 Q Now, directing your attention to the next day,

Wednesday, did you meet with anyone on Wednesday?

A I didn't.

Q Did you do anything on Wednesday in connection with this case?

A I did not.

Q When was the next time that you did something in connection with this case?

A The following day.

Q Meaning Thursday?

A That is correct.

Q Did you meet with anyone on Thursday?

A Yes, I did.

Q What time?

A It was approximately 11:30 in the morning.

Q Where?

A At Wall's Tavern. I met with Tommy Carroll and Mike McCloskey.

Q Did you meet with them there?

A Yes, I did.

Q Was there a conversation on Thursday morning?

A Yes, there was.

Q Will you tell us what was said in this conversation and who said it?

MR. DIRENZO: Fix the time, if your Honor please,

1 if possible.

2 THE COURT: I think he said around 11:30, didn't
3 he?

4 THE WITNESS: That is correct.

5 MR. DIRENZO: A.M.?

6 THE WITNESS: Yes.

7 Q Would you tell us what was said in that conver-
8 sation and who said it?

9 A When I arrived at Wall's Tavern, Tommy Carroll
10 had said to me, wanted to know where I was the previous day.

11 Q What did you say?

12 A I told him I was home.

13 Q Was anything else said in that conversation?

14 A Not at that time, no.

15 Q Did you do anything else on Thursday related to
16 this matter?

17 A Yes, I did.

18 Q What was that?

19 A Myself, Tommy Carroll and Mike McCloskey went to
20 New York to Lou's Bar.

21 Q How did you get there?

22 A The three of us went over in Mike's car.

23 Q Where did you go?

24 A We went to Lou's Bar on Maiden Lane and South
25

Street.

Q Did you go inside or did you stay outside?

A I went inside.

Q Did anyone else go inside?

A Not at that time.

Q Did you meet anyone at Lou's Bar?

A I met Chester Crawford there.

Q Did you meet him inside Lou's Bar?

A Yes, I did.

Q Did you have a conversation with Chester
Crawford?

A Yes, I did.

Q Weill you tell us what you said to him and what
he said to you?

A I asked him if Myers and Mann were with him, and
hesaid no, they were not, he was waiting for them to arrive.
He was supposed to meet them earlier, but they had not shown
up.

Q Did you meet anyone else that day?

A At that point Tommy Carroll and Mike McCloskey
came back.

Q Did you see Terry Myers or Geoffrey Mann or any-
one else?

A No, I did not.

Q Did there come a time when you left Lou's Bar?

A Yes, we left approximately 6:30 that evening.

Q Where did you go?

A Came back to New Jersey.

Q How did you get back to New Jersey?

A Drove back in Mike McCloskey's car.

Q Did you have any conversation on the way back to New Jersey that day?

A Not that I remember.

Q Directing your attention to Friday, the next day, did you meet with anyone on that day?

A Yes, I did.

Q What time of day?

A It was approximately 11:30 in the morning.

Q Will you tell us where you met that day?

A I met at Wall's Tavern with Tommy Carroll and Mike McCloskey.

Q When you met did you have a conversation?

A Yes, I did.

Q Will you tell us what was said?

A Tommy Carroll said that he had previously spoken to Chester Crawford and that Myers and Mann definitely would be available that afternoon.

Q Was anything else said at that time?

A We were supposed to meet them that afternoon at 3:30.

Q After that conversation and before 3:30, did you do anything?

A I did not.

Q Did you do anything at 3:30?

A We had left Wall's Tavern to go to New York to meet with Chester Crawford and Myers and Mann.

Q Did you go to New York?

A YES, I did.

Q How did you get there that day?

A I drove over in Mike McCloskey's car.

Q Did there come a time, any point in time, when you obtained use of a truck?

MR. MARTIN: I'm going to object to the leading, if your Honor please.

THE COURT: Overruled.

A Yes, we did.

Q Will you tell us when that was?

A That was on the previous Tuesday.

MR. MARTIN: May we have that date fixed?

THE COURT: He said the previous Tuesday.

MR. MARTIN: May we have the date fixed?

THE COURT: Well, he was testifying about Friday.

the 30th, so I presume the previous Tuesday would be the 27th.

MR. MARTIN: The 27th? Thank you, your Honor.

THE COURT: That is what the calendar says.

Q Will you tell us what you did on the 27th that related to the truck?

A Earlier that afternoon we were -- myself, Tommy Carroll and Mike McCloskey were at Wall's Tavern, and there was a discussion about the continued use of the station wagon, because they didn't want to continue using it because it had been stolen.

Q When did you first see the station wagon?

A Earlier that day.

Q After that conversation did you do anything?

A Yes-- not in reference to the getting of the truck, no.

MR. MARTIN: May we have that answer read?

(Answer read.)

Q Will you tell us when was the next time you did something with reference to the truck?

A That was on the 29th, Thursday.

Q And what time of day?

A That was earlier in the day, about 11:30 in the morning, right after I had met with Tommy and Mike.

Q What did you do?

A Again, we were engaged in the discussion as to the continued use of the station wagon, and Tommy Carroll had suggested that we might possibly abandon the station wagon and get another vehicle.

Q Where was this conversation?

A At Wall's Tavern.

Q After that conversation, did you do anything else with regard to the truck?

A Yes, myself, Tommy and Mike left Wall's Tavern in Mike's car and we rode around the area looking for a vehicle that we could take.

Q What day did you do this?

A That was on Thursday, the 29th.

Q Will you tell us what happened?

A We rode around the area for approximately an hour in search of a vehicle that we could take, and we passed by a company at which a step-van was parked outside of, and Mike McCloskey parked the car and said, "Check that truck there and see if the keys are in it," at which point Tommy got out of the car and got in the van and backed the truck up and then began to pull in behind the car.

Q Do you know where that was?

A The truck was parked at the loading platform of the Metropolitan Adhesive, North Bergen.

Q What is the name of the street?

A I'm not sure of the name of the street.

Q Could you describe what this truck looked like?

A It was a regular step-van that is commonly used by laundry companies, blue and a heavy painted green on the side, and whichever name had been on the side previously had been painted out with green paint.

MR. MARTIN: I object and move it be stricken, unless he knows there was something on the side that had been there.

THE COURT: You object to the witness saying there was green paint obliterating a name that might have been on the side?

MR. MARTIN: I object.

THE COURT: Strike that portion indicating that there may have been a name on the side, but leave in the portion that there was green paint on the side.

Q Now, after Mr. Carroll started to drive the truck, where did you go?

A Tommy Carroll was driving the van behind Mike McCloskey and myself, and we drove the car and the van through the Lincoln Tunnel into New York.

Q Where did you go?

A We proceeded to Maiden Lane and South Street.

Q Did you meet anyone on that day?

A Yes, we did.

Q Who did you meet on that day?

A Chester Crawford.

Q Did you meet anyone else on that day?

A I did not.

Q Did there come a time when you left Maiden Lane and South Street?

A Yes, I did.

Q Did you leave in Mike McCloskey's car or in the van?

A We had parked the van underneath the highway there, and I believe it is the FDR, and then got back into Mike's car and came back to New Jersey.

Q Now, directing your attention then to Friday, after you met at Wall's Tavern, where did you go?

A We proceeded to Kats' Bar, Kats' Restaurant, on Houston Street, New York.

Q How did you get there?

A Drove over in Mike McCloskey's car.

Q What time did you get to Kats?

A Approximately 4:00 p.m. that day.

Q Could you tell us what Kats' is?

A It is a delicatessen type restaurant.

Q How big is it?

A About as big as this courtroom.

Q When you got to Kats', did you meet anyone there?

A Yes, I did.

Q Did you meet inside or outside?

A Inside.

Q Were you seated at a table or standing?

A Seated at a table.

Q Whom did you meet there?

A Billy McCloskey.

Q Did you meet anybody else?

A Not when we entered, no.

Q Had you ever met Billy McCloskey before?

A No, I had not.

Q Do you see Billy McCloskey in the courtroom?

A Yes, I do.

Q Will you point him out to this jury, please?

A He is sitting over there with the gray suit and blue tie.

MR. HOPPER: Indicating the defendant William McCloskey.

Q Did you have a conversation in Kats'?

A YES.

Q Will you tell us what was said and who said it?

A We walked over to the table and we sat down at the table where Billy McCloskey was sitting, and Mike introduced him to me as his brother.

MR. MARTIN: There is no allegation that Mike was there.

THE COURT: He said Mike introduced him.

MR. MARTIN: He said there was only one person there.

THE COURT: Put another question.

Q Tell us who was present in Katz'.

THE COURT: Who walked into the restaurant with you?

THE WITNESS: Myself, Tommy Carroll and Mike McCloskey.

Q And then after you met Billy McCloskey, will you tell us where you went?

A We stayed there for a while waiting for the others to arrive.

Q The question I am asking you, in Katz' were you all in one place?

A We were sitting at two tables in Katz' Delicatessen.

Q Did you have a conversation while you were sitting there at the table?

2 A Just general conversation while we were waiting
3 for the others to arrive.

4 Q Did other people arrive?

5 A Yes, they did.

6 Q Who arrived?

7 A Chester Crawford, Terry, Geoffrey and Harry.

8 Q After they arrived, did they join you at the
9 table?

10 A Yes, they did.

11 Q Did you have a conversation at that time?

12 A Yes, we did.

13 Q Will you tell us what was said? Who said it?

14 A Tommy Carroll called --

15 MR. HOPPER: Can we have the table arrangement?

16 I think he is talking about more than one table.

17 Q Tell us how the tables were arranged, please.

18 A The tables are against the wall, running one
19 behind the other, and originally when we sat down we were
20 sitting at two tables.

21 Q Were the tables joined or were they separated?

22 A No, they were separated.

23 Q And how much distance was between the two tables?

24 A About two feet.

25 Q Now, would you tell us what was said in the conver-

sation and who said it?

MR. HOPPER: I object to that. May we have what tables?

THE COURT: You mean who was sitting at which table?

MR. HOPPER: Yes.

Q Tell us, if you can recall, who was sitting at which table.

A Well, at one table was myself, Tommy Carroll, Mike McCloskey, Billy McCloskey, and the other four individuals I had named, Chester, Terry, Geoffrey and Harry, were sitting at the table alongside of us.

Q Were the people at the table alongside participating in the conversation at your table?

A YES.

Q Tell us what was said and who said it.

A Tommy Carroll had asked Terry and Geoffrey to move over to our table so he wouldn't have to yell, and then after they did so, Tommy said to Terry and Geoffrey that he wanted to make sure that this score happened today, and he didn't want any more games to be played.

Q Was there anything else said?

A Terry Myers then said to Tommy Carroll that he meant square business, and today was the day it was going to

happen.

MR. MARTIN: May I have that answer read?

(Answer read.)

Q Was there anything else said while you were at the table or tables in Katz'?

A No, there was not.

Q Did there come a time when you left Katz'?

A Yes.

Q And when you left, who did you leave with?

A I left with Tommy Carroll.

Q Where did you go?

A We went to Peck Slip and South Street.

Q How did you get there?

A In Mike McCloskey's car.

Q When you got to Peck's Slip and South Street, did you meet anyone there?

A Yes, I did.

Q Whom did you meet?

A I met Tommy, Mike McCloskey, Terry, Geoffrey, Harry and Chester.

Q Where was Mike McCloskey?

A He was in the step-van.

Q Where were the other three or four?

A They were in Chester Crawford's car.

Q After you arrived there will you tell us what you did?

A I got out of Mike McCloskey's car and I went over to the van and I stayed in the van with Mike McCloskey.

Q Will you continue and tell us what happened?

A It was at that point that Tommy Carroll again drove away, and we were waiting for him to return.

Q Did there come a time when he returned?

A Yes, he did.

Q Did he say anything when he returned?

A When he returned he pulled alongside of the van, and at this point Billy McCloskey was with him and he said to Mike, "The truck has left the Federal Reserve."

Q Did he say anything else?

A No, he did not.

Q Did Mike do anything?

A Yes, at that point he started the truck up.

MR. KENNEY: Your Honor, may the witness come to the chart, to indicate --

THE COURT: Yes, you may step down.

(Witness leaves the witness chair and goes to the chart.)

Q Mr. Turner, do you recognize the streets shown on that chart?

1
2 A Yes.

3 Q Could you show us where the Peck Slip Post Office
4 is?

5 A Right here.

6 MR. KENNEY: May the record reflect he is pointing
7 to the block surrounded by Pearl Street, Peck Slip, Water
8 Street and Frankfort Street.

9 Q Now, would you show us where the van was when
10 Tommy Carroll pulled up alongside of it?

11 A The van was parked right here.

12 Q And after Mr. Carroll said, "The truck has left
13 the Federal Reserve Bank," where did the van go?

14 A It then proceeded up this street and parked here
15 on this corner.

16 Q Will you point out to us and tell us what happened
17 after that?

18 THE COURT: How about identifying that for the
19 record?

20 MR. KENNEY: He is pointing, indicating the van
21 was on South Street just north of Peck Slip, and that it came
22 to Peck Slip, made a right turn, and it passed on Peck Slip
23 and stopped on the right hand or north side of Peck Slip near
24 the corner of Pearl.

25 THE COURT: Go ahead.

1 MR. MARTIN: Your Honor, may we have it marked
2 with an X?

3 THE COURT: Yes.

4 (Witness puts in mark as requested.)

5 Q After you arrived on the corner of Peck Slip and
6 Pearl Street, will you tell us what happened?

7 A Well, I was sitting in this step-van behind Mike
8 McCloskey, who was driving it, and I saw Chester Crawford's
9 car pass by with Myers and Mann in it.

10 Q What happened after that?

11 A Well, they came up to the corner here and made a
12 left hand turn and came down this way.

13 THE COURT: Indicating what street?

14 MR. KENNEY: Indicating they came up Peck Slip,
15 made a left on Pearl Street, and headed south into West Pearl
16 Street.

17 THE COURT: Go ahead.

18 A (Continuing) At that point we waited for the
19 mail truck to -- we noticed the mail truck passing this
20 street here, going to the post office.

21 MR. MARTIN: I object to that and ask that it
22 be stricken.

23 THE COURT: Overruled.

24 Q Did you see, Mr. Turner, where Chester and Terry
25

and Geoffrey Mann went when they went south and into West Pearl Street?

A I had watched the car come to this point, and at this point it came to a halt.

MR. MARTIN: May we have that marked where it supposedly came to a halt?

THE COURT: Let's use p ; we have not used that letter yet.

(The witness marked as requested.)

Q Now, after you had noticed the mail truck going into Water Street, will you tell us what happened?

A Mike McCloskey then said to me that that must be the truck there, so it should be out in a few minutes.

Q Did anything else happen?

A About seven or eight minutes later the mail truck came out of Water Street here the wrong way and came up Peck Slip.

Q Did Mike McCloskey do anything?

A Yes, he did.

Q As we watched the mail truck make this turn at Peck Slip, Mike McCloskey started the truck up and went to pull -- started to pull it in the middle of the street.

Q Tell us what happened.

A As he started to pull out, there was a car coming

up the street and the car then went around us, and Mike McCloskey pulled out in such a manner as to be in front of the mail truck.

Q Did he stop or did he go forward?

A The mail truck stopped behind us.

Q Did anything else happen?

A After the traffic light changed, we made a left hand turn and came down Pearl Street.

Q And when you went down Pearl Street what happened?

A Well, I looked out the side door of the truck and I noticed the mail truck was immediately behind us. We continued on Pearl Street to the intersection here of Fulton and Pearl.

Q Indicating the intersection of Fulton and West Pearl Streets? And what happened at that intersection?

A Well, we got to this intersection. We were driving up to this intersection, I noticed that Terry Myers was on the right side of this corner over here, and Geoffrey Mann was on the left corner, over here.

Q Did you stop at the intersection or did you go through it?

A We stopped at the intersection and I noticed -- I looked over at Terry Myers, who was standing on the sidewalk, and he started to walk towards the rear of the vehicle

I was in.

Q Did you notice anything else?

A Not at that point. Then at that point I assumed the mail truck --

MR. MARTIN: I'm going to object to any assumption.

THE COURT: Sustained.

Q Just tell us what you saw.

A A few seconds had passed by, and then I saw Terry Myers return to this point and start up the street, up John Street here.

Q What did you do?

A At that point then Mike McCloskey drove the step-van across the intersection and parked it on the street over here.

MR. MARTIN: If your Honor please, may we have that spot marked where he said he parked?

THE COURT: Use an O this time.

(The witness put a mark as requested.)

MR. MARTIN: Could you indicate where that is for the record?

MR. KENNEY: It is on West Pearl Street, between Fulton and John, the right hand side, the west side of the street.

1
2 Q After the van stopped on West Pearl Street
3 between Fulton and John, what did you do?

4 A I walked to the right hand side of the step-van
5 and opened the door and saw Terry Myers and Geoffrey Mann
6 walking up towards the step-van.

7 Q Did you meet with them at that point?

8 A Yes, I did.

9 Q Did you have a conversation with them?

10 A Yes, I did.

11 Q Will you tell us what was said in that conver-
12 sation?

13 A Terry Myers had said to me that the last time I
14 had seen him when he walked towards the rear of the van, we
15 were stopped here at this stop sign, that West Pearl and
16 Fulton Street, that when he had attempted to board the side
17 of the mail truck, there was a car that was parked alongside
18 of the curb here, and when he made the attempt to jump on
19 the side of the mail truck, that car had pulled out in such
20 a manner as to block his passage to the mail truck.

21 Q Was anything else said?

22 A Not at that point.

23 Q Where did you go from there?

24 A At this point we returned to Peck Slip.

25 Q Did you return in the van?

2 A Yes.

3 Q Where did Myers and Mann go?

4 A They were in the van with us and they returned
5 to Peck Slip with us.

6 Q Will you show us where at Peck Slip you returned to.

7 A Returned to this point right here, where there
8 is vertical parking in the street, and the van was parked
9 there.

10 MR. KENNEY: Indicating the parking area on
11 Peck Slip between Front Street and South Street.

12 Q Did you meet anyone there?

13 A Yes, I did.

14 Q Who did you meet?

15 A Tommy Carroll, Chester Crawford and Harry.

16 Q Did you have a conversation at that point?

17 A I did not, no.

18 Q Did anyone else have one that you could hear?

19 A Tommy Carroll was having a conversation with
20 Terry Myers in reference to what had happened.

21 Q What was said? Did you hear that conversation?

22 A Yes, I did.

23 Q Where did that conversation take place?

24 A Between the step-van and Chester Crawford's car.

25 MR. MARTIN: If your Honor please, may we have

1 the street fixed?

2
3 THE COURT: You already have.

4 MR. MARTIN: Maybe I didn't hear it.

5 MR. KENNEY: This is in the parking area between
6 Front Street and South Street on Peck Slip, which is indi-
7 cated by PK on the map.

8 Q Can you tell us what was said and what you heard
9 in this conversation?

10 A Tommy Carroll had asked Terry Myers what went
11 wrong, and Terry told him that when he attempted to board
12 the side of the mail truck a car had pulled out from the
13 curb and he couldn't get by it, and Terry had thought there
14 were too many people in the car to make a forcible attempt
15 at that point.

16 Q Now, did there come a time when you saw Billy
17 McCloskey again?

18 A Not that day.

19 Q After that conversation in Peck Slip, did you
20 meet anyone else there?

21 A No, I did not.

22 Q Did you go any place from Peck Slip?

23 A From that point I returned to New Jersey.

24 Q Did you do anything that night?

25 A Yes, I did.

Q What did you do?

A Well, we returned to Wall's Tavern.

Q Did you do anything at Wall's Tavern?

A Yes, I did.

Q What did you do?

THE COURT: Do you want the witness to return to the witness stand?

MR. KENNEY: Yes.

(Witness returns to witness stand.)

Q What did you do at Wall's Tavern that Friday night?

A Upon arriving at Wall's Tavern, Tommy Carroll called me to the back room and asked me if the Buckhorn truck stop in Pennsylvania was still open.

Q What is the name?

A Buckhorn truck stop.

Q And what did you say to Tommy Carroll?

A I said, "I have not been up there in a while, but so far as I know it still is."

Q Was there any other conversation?

A Yes, he asked me if the McLean Trucking still used the truck stop.

Q Well, what was your response to that?

A I says, as far as I knew they did.

1 Q After that conversation did you go any place ?

2 A YES, we did. We went to Pennsylvania.

3 Q Whom did you go with?

4 A There was myself, Tommy Carroll, Chester
5 Crawford, Terry, Geoffrey, Harry, Mike McCloskey.

6 Q How did you get there?

7 A I went in Mike McCloskey's car.

8 Q Who else was in the car with you?

9 A That is all, there was only two of us.

10 Q Did any other cars go?

11 A YES, there were.

12 Q What other cars?

13 A Chester Crawford took his car and he had Harry,
14 Terry and Geoffrey with him. And Mike McCloskey had taken
15 the blue station wagon with him.

16 Q Who was in Mike McCloskey's car?

17 A As far as I know there was only Mike. Mike was
18 the only one who was in the car.

19 Q You have me a little confused. Mike McCloskey
20 was driving a station wagon?

21 A That is correct.

22 Q And Chester Crawford was driving his car?

23 A That is correct.

24 Q And in Chester Crawford's car were Myers,
25

Mann and Harry Johnson?

A And Chester Crawford.

Q And the third car belonged to whom?

A This was the blue station wagon which had been taken previously.

Q You have a blue station wagon, you have Chester Crawford's car --

A Right.

Q That is two. Were there two cars?

A There were three cars.

Q What car was the third car?

A It was a car that belonged to Mike McCloskey.

Q Now, the car that belonged to Mike McCloskey, who was in that car?

A Myself and Tommy Carroll.

Q And who was in the station wagon?

A Mike McCloskey.

Q He was alone in the station wagon?

MR. HOPPER: I object. That is the fifth time he has asked the question.

MR. KENNEY: That's the first time I asked that question.

THE COURT: Objection overruled.

A Yes, he was.

Q Now, where did you go?

A We drove to the Buckhorn stop in Pennsylvania.

Q What time did you get there?

MR. DIRENZO: Again, your Honor, this is the same continuing objection.

THE COURT: Yes.

Go ahead.

A It was approximately 2:00 a.m.

Q And when you got there did you turn around and start back towards New York at some point?

A We stayed there about two hours and then we started back to New Jersey.

Q When you went back how many cars went back?

A Two cars.

Q Which cars went back?

A Chester Crawford's car and the car that belonged to Mike McCloskey.

Q That means the station wagon did not go back?

A That is correct.

Q Where was the station wagon, if you know?

A It was left in the parking lot of the truck stop.

Q Did you have a conversation with any of the people that went to Pennsylvania with you about the station wagon?

1 A Yes, I did.

2 Q Who was that conversation with?

3 A Mike McCloskey and Tommy Carroll.

4 MR. MARTIN: If your Honor please, may we fix
5 the place and time?

6 Q Will you tell us where this conversation took
7 place?

8 A It took place in Mike McCloskey's car.

9 Q Will you tell us what time of day this was?

10 A This was approximately 3:00 a.m.

11 Q Now, this would be 3:00 a.m. on Saturday
12 morning? Is that right?

13 A That is right.

14 Q The 31st of March, 1973?

15 A That is correct.

16 Q What was said in this conversation and who said
17 it?

18 A Mike McCloskey said to me it was apparent that
19 nothing was going to happen at that truck stop and we were
20 only wasting our time.

21 Q I am asking you what conversation was had about
22 the station wagon.

23 A When we were getting ready to leave, Tommy
24 Carroll said to Mike in the car I was sitting in that he
25

1 didn't think it was a good idea to bring the station wagon
2 back to New Jersey.

3 Q Was that the only conversation about the station
4 wagon?

5 A Mike agreed with him and decided to leave the
6 station wagon there.

7 Q Did you then return home in the early morning
8 hours of Saturday, the 31st?

9 A That is correct.

10 Q Will you tell us when the next time you did some-
11 thing in relation to this case was?

12 A The following Monday.

13 Q What did you do the following Monday?

14 A I met with Tommy Carroll and Mike McCloskey at
15 Wall's Tavern.

16 Q Will you tell us what time of day you met?

17 A It was approximately 11:30 in the morning.

18 Q Again, did you have a conversation?

19 A Yes, I did.

20 Q What did you say and what did Tommy Carroll say
21 and what did Mike McCloskey say?

22 A Upon arriving at Wall's Tavern, I walked in, and
23 Tommy Carroll had said to me that he was waiting for Chester
24 to call to see if we could make an attempt to get the mail
25

truck on that day.

Q Was anything else said?

A Not to my knowledge.

Q Did you do anything on Monday?

A Yes, I did.

Q What did you do?

A Later on that afternoon we again went to Katz' Delicatessen.

Q When you got to Katz' Delicatessen, what did you do?

A When we arrived there, Billy McCloskey was waiting for us.

Q And did you go inside Katz?

A Yes, I did.

Q Did you sit down at a table?

A Yes, I did.

Q Will you tell us who was at that table?

A Billy McCloskey, Mike McCloskey and Tommy Carroll.

Q Did you have a conversation at that table?

A Not in relation to this case.

Q Did you meet anyone in Katz'?

A Chester Crawford came in later on.

Q When Chester Crawford came in, did he join you at your table or tables?

1
2 A Yes, he did.

3 Q Did you have a conversation?

4 A Yes, we did.

5 Q What was said in this conversation?

6 A CHester had said he still hadn't been in touch
7 with Myers and Mann, he didn't know where they were.

8 Q Was anything else said?

9 A Not at that point.

10 Q Now, did you do anything else on Monday,
11 April 2, 1973?

12 A Yes, we did.

13 Q What did you do?

14 A We waited at Katz' 'til approximately 5:15 that
15 day and then left Katz' and went to Maiden Lane.

16 Q Where did you go on Maiden Lane?

17 A About a block before the Federal Reserve Bank.

18 Q Now, would that be to the east or west of the
19 Federal Reserve?

20 A That is on Maiden Lane; that would be going up
21 Maiden Lane; it is east; I believe it is east.

22 Q Can you point out on that map from where you are
23 where the Federal Reserve Bank is?

24 A The Federal Reserve Bank is right here.

25 THE COURT: Where the X is presently?

THE WITNESS: That is correct.

kpl

Turner-direct

1776a

1430

T7

Q Were you to the right or to the left of that?

MR. MARTIN: If your Honor please, I am going to object. The question was, was he east or west.

THE COURT: He is coming to it. Listen to his question.

MR. MARTIN: Thank you.

A We were parked right here on this street right here, on Maiden Lane.

Q When you say "we were parked," there, who was with you?

A Myself, Tommy Carroll, Mike and Billy McCloskey.

Q And as you were parked there, did you do anything?

A We were sitting there waiting for the mailtruck to leave.

Q Did you see it?

A Yes, I did.

Q What did you see?

A I noticed -- I watched the United States mailtruck pull out of the Federal Reserve Bank.

Q Which way did he go?

A It came up Maiden Lane to this intersection here of Nassau and Maiden Lane, where it made a righthand turn.

Q And what did you do at that point?

A At that point we then followed the van over to

the Peck Slip Post Office.

Q You say you followed the van. Is that the van that Mike McCloskey had the Friday before?

A No, that was the mailtruck van.

Q And when the mailtruck reached Peck Slip Station, what did you do?

MR. MARTIN: Excuse me, your Honor. May we have that route drawn out while the witness is there?

THE COURT: He didn't volunteer it. You can ask him on cross.

MR. MARTIN: Your Honor, he said he followed a van.

THE COURT: That's right. Mr. Kenney is doing the direct questioning. It is up to him to put questions. If you want to find out what the route is, you ask the questions on cross.

MR. MARTIN: I thought it just would clarify it.

Q Mr. Turner, how did you know that the truck coming out of the Federal Reserve Bank was a United States mailtruck.

Q It was a regular United States mailtruck with a silver body, with blue and white cab, with the red line around it.

Q Did it have any writing on it?

1 A It had U.S. Mail written on the side of it.

2 Q Now, after the mailtruck got to the Peck Slip
3 Station, what did you do?

4 A We then left the truck and came back to New
5 Jersey.

6 Q And who went back to New Jersey with you?

7 A Myself, Tommy Carroll and Mike McCloskey.

8 Q What happened there?

9 A We dropped him off at the Port Authority on
10 Eighth Avenue and 40th Street.

11 Q When was the next time that you did something
12 in relation to this mailtruck?

13 A The following day.

14 Q And did you meet with anyone on that day?

15 A Yes, I did.

16 Q And who did you meet with?

17 A Tommy Carroll and Mike McCloskey.

18 Q Where did you meet with them?

19 A At Wall's Tavern in North Bergen.

20 Q What time of day did you meet with them?

21 A It was approximately 11.30 in the morning.

22 Q Did you have a conversation on that day?

23 A Yes, I did.

24 Q Would you tell us what was said in that con-
25

1
2 versation, if you recall?

3 A Tommy Carroll had told me that he had spoken to
4 Chester again, and that Myers and Mann would definitely
5 be around, be available that afternoon.

6 Q And did you meet with anyone else that day?

7 A No, I did not.

8 Q Did you go any place?

9 A Yes, I did.

10 Q Where did you go?

11 A We went to -- I went back to Katz's Delicatessen.

12 Q And who went with you?

13 A Myself, Tommy Carroll, Mike McCloskey.

14 Q And when you got to Katz's Delicatessen, did
15 you meet anyone?

16 A Met Billy McCloskey.

17 Q And was this at a table in Katz's Delicatessen?

18 A That's correct.

19 Q Did you meet anyone else at Katz's Delicatessen?

20 A I did not.

21 Q Was there a conversation at the table at Katz's
22 Delicatessen on that day?

23 A Tommy Carroll had -- was upset that Chester
24 Crawford and --

25 MR. DIRENZO: Object to that.

MR. KENNEY: I am sorry?

THE COURT: You don't like the word "upset"?

Describe what Mr. Carroll said.

A Mr. Carroll had said to me and to Mike McCloskey and Billy McCloskey that he wanted to know where the hell Chester Crawford and Myers and Mann were, and I said, "How do I know?"

Q Was there anything else said at that time?

A Not at that time.

Q Now, did there come a time when you left Katz's on that day, Tuesday?

A That's correct, about 6.00 p.m.

Q And where did you go when you left?

A I returned to New Jersey.

Q Did you do anything else on that day relating to this case?

A I did not.

Q Directing your attention --

MR. KENNEY: May I withdraw that, your Honor?

Q I ask you this question, Mr. Turner: when was the next time you did anything relating to this mailtruck?

A I believe it was the next day.

Q And what did you do the next day?

A I met with Tommy Carroll and Mike McCloskey at

Wall's Tavern.

Q And what time?

A Approximately 11.30 in the morning.

Q And again, can you tell us whether anything was said?

A When I arrived at Wall's Tavern, Tommy had said to me that he had spoken with Chester that morning and that Chester had assured him that Myers and Mann would be available that afternoon.

Q Was anything else said, that you can recall?

A Not that I recall.

Q And did you go any place on that day?

A Later on that afternoon, yes.

Q Where did you go?

A Went to Katz's Delicatessen.

Q Who did you go there with?

A Myself, Tommy Carroll and Mike McCloskey.

Q And did you meet anyone at Katz's Delicatessen on that day?

A Yes, I did.

Q I'm sorry, I didn't hear your answer.

A I said yes, I did.

Q And would you tell us who you met?

A I met Billy McCloskey.

Q And were you again at a table?

A Yes, I was.

Q And would you tell us if anything was discussed at the table that day?

A We were sitting, the four of us were sitting at the table, and we were only there a few moments when Chester Crawford arrived, and Tommy had asked Chester Crawford if Myers and Mann had in fact come up, and he said yes, they did, and that they were outside.

Q And did you meet Myers and Mann that day?

A Yes, I did.

Q What was the date that you met them, if you know?

A That was the 4th of April.

Q And did you meet them inside Katz's or outside Katz's?

A Inside Katz's.

Q And when you met them inside Katz's, did you all sit at the same table or tables?

A We sat at tables alongside one another.

Q Was there a conversation that day?

A Yes, there was.

Q And what was said on that day?

A Tommy Carroll had said to me that this was the

1 day it was going to happen, there was no more games going
2 to be played, and then he called Terry Myers and Geoffrey
3 Mann over to the table and asked them where they had been
4 and why they hadn't been available, and the explanation
5 they gave them, I am not sure of. I was not listening at
6 that point.
7

8 Q And was anything else said at Katz's that you
9 recall?

10 A Not that I remember.

11 Q And did there come a time when you left Katz's?

12 A Yes, there was.

13 Q Who did you leave with?

14 A I left with Tommy Carroll.

15 Q How did you leave?

16 A In Mike McCloskey's car.

17 Q Where did you go?

18 A To Peck Slip and South Street.

19 Q Would you indicate on the map just where you
20 went?

21 A Here (indicating).

22 MR. KENNEY: May the record reflect, your Honor,
23 that the witness is pointing out the car park on Peck Slip
24 between Front Street and South Street.

25 Q And after you reached the car park, did you meet

with anyone?

A Yes, I did.

Q Who did you meet with?

A Mike McCloskey and Billy McCloskey.

Q And did you meet them in the car or did you meet them on the street?

A In the street.

Q And did you have a conversation with them?

A Yes, I did.

Q What was that conversation?

A That Tommy Carroll and Mike were debating as to who would go over to watch the mailtruck leave the Federal Reserve Bank, as to whether it would be himself or Billy McCloskey.

Q And what did Mike McCloskey or Billy McCloskey say to you?

A Mike had said that -- I volunteered to go over to the bank and watch the truck myself, and Mike said that, no, it would be impossible for me to go because I would have to stay with him.

Q Was anything else said?

A Not that I remember.

Q And what did you do after that point?

A We stayed there waiting for Chester Crawford

and Myers and Mann to arrive and eventually Chester Crawford and Mann did arrive.

Q And how did they arrive?

A In Chester Crawford's car.

Q When they arrived, did you meet with them?

A Yes, I did.

Q Was there any conversation that you can recall?

A Chester had said that he could not locate Terry Myers.

Q Was anything else said?

A Then Tommy Carroll had said to Chester that would he be willing to work with Geoffrey Myers, Geoffrey Mann, and take the truck off.

Q Would you tell us what happened after that point?

A At that point, Chester Crawford said that, no, he didn't want to work with Geoffrey because he wasn't sure of him and the plan for that day was abolished.

Q Did you say Chester Crawford said he didn't want to work with Geoffrey because he wasn't sure of him?

A That's correct.

Q How does that relate to it?

A Chester felt --

MR. DIRENZO: I object to that question.

MR. KENNEY: I don't understand that answer.

1
2 I don't see how it relates to it.

3 THE COURT: Wait a second. It may not be an
4 answer you expected, but you asked for the conversation,
5 and that is the conversation he is giving you.

6 MR. KENNEY: I did, but it seems to me that the
7 answer --

8 THE COURT: Wait.

9 MR. DIRENZO: May we approach the bench?

10 THE COURT: Come to the bench.

11 (At bench.)

12 THE COURT: Yes?

13 MR. KENNEY: I am just trying to clarify his
14 answer, that is all.

15 THE COURT: Nothing to clarify. Perfectly
16 clear, that answer. Nothing to clarify about it.

17 MR. KENNEY: I will just ask him if there was
18 any continuation of the conversation.

19 THE COURT: You can ask him that, but this state-
20 ment is perfectly clear and flat.

21 MR. DIRENZO: Sure, it is.

22 THE COURT: Nothing ambiguous about it. And you
23 have asked him a second time and he said yes.

24 MR. KENNEY: That is why I asked him the second
25 time.

1 THE COURT: I know. The fact that you are
2 surprised doesn't mean that his testimony --
3

4 MR. KENNEY: Your Honor, I am not surprised.
5 I don't see how it relates to the rest of his testimony.
6

7 THE COURT: I don't care how it relates to the
8 rest of his testimony. He is saying --
9

10 MR. KENNEY: What I am saying, it is 25 minutes
11 of 6 at night, and I think the witness may be standing
12 there on direct examination for a long period of time --
13

14 THE COURT: He wasn't standing there for a long
15 period of time.
16

17 MR. KENNEY: He is standing there for 10 minutes
18 or 15 minutes.
19

20 THE COURT: He has been there about 10 minutes,
21 and that is not a long period of time.
22

23 Come on, now, Mr. Kenney, go back and ask your
24 questions. This man gave you a direct answer to your
25 question, with no equivocation. You asked him a second
time. He says, "Yes, that is what I mean."

You may be surprised about it, but go on back,
Mr. Kenney, put your next question.

(In open court.)

THE COURT: Go ahead.

Q Mr. Turner, can you tell us, was there anything

else said in that conversation?

A Yes, there was.

Q And what was said and who said it?

A Tommy Carroll had again asked Chester Crawford why he didn't want to work with him, and Chester Crawford said that he himself didn't feel that he could trust Geoffrey Mann.

Q Was there anything else said?

A Not to my knowledge.

Q Would you tell us what happened after that conversation?

A We then left the Peck Slip and returned to New Jersey.

Q And who did you return to New Jersey with?

A Tommy Carroll and Mike McCloskey.

Q And what car did you go back in?

A Mike McCloskey's car.

Q Now, directing your -- well, let me ask you this: would you tell us, did you do anything else after that day in connection with this mailtruck?

A The following day.

Q And what did you do on the following day?

A I again met with Tommy Carroll and Mike McCloskey at Wall's Tavern.

1 Q And what time did you meet there?

2 A Approximately 11.30 in the morning.

3 Q Was there any conversation on that day?

4 A Yes, there was.

5 Q And would you tell us what was said and who said
6 it?

7 A When I arrived at Wall's Tavern, Tommy Carroll
8 had said to me that he had spoken to Chester previously and
9 that Terry Myers would be definitely available that after-
10 noon, and we were to meet at Katz's at 4 o'clock that after-
11 noon.
12

13 Q And did there come a time when you went to
14 Katz's?

15 A Yes, there was.

16 Q And when you went to Katz's, who did you go there
17 with?

18 A I left Wall's Tavern with Mike McCloskey and
19 Tommy Carroll.

20 Q And when you reached Katz's, did you meet anyone
21 there?

22 A When I arrived there, Billy McCloskey was at
23 Katz's Delicatessen.

24 Q And did you meet with Billy McCloskey?

25 A Yes, I did.

Q Was there any conversation at that time?

A Not in relation to this case.

Q Did you meet with anyone else at Katz's?

A Later on, Chester Crawford, Terry Myers, Geoffrey and Harry had joined us at Katz's.

Q And was there any conversation after they joined you?

A Yes, there was.

Q And what was that conversation?

A Terry Myers came over to the table at -- which I was sitting at, with Billy, Tommy Carroll and Mike McCloskey, and said to Tommy that he was going to give him square business today, that he would be done today.

Q Was anything else said?

A Not at that point.

Q Did you go any place from Katz's?

A Yes, I did.

Q And how did you go from Katz's?

A I again went with Tommy Carroll in Mike McCloskey's car.

Q And where did you go?

A We went to Peck Slip and South Street.

Q Would you show us where at Peck Slip you went?

A We went to this corner right here.

1
2 Q Were you on Peck Slip or on South Street?

3 A On South Street.

4 MR. KENNEY: May the record reflect that the
5 witness is pointing to the northwest corner of Peck Slip
6 and South Street.

7 Q After you reached that point, what did you do?

8 A I got out of the car and was standing outside the
9 car waiting for Mike McCloskey to arrive.

10 Q Did you meet Mike McCloskey?

11 A Yes, I did.

12 Q And how did he arrive?

13 A He arrived with the step van.

14 Q When he arrived in the step van, did you have a
15 conversation with him?

16 A Just general conversation.

17 Q Now, would you tell us what happened after Mike
18 McCloskey arrived in the van?

19 A Shortly thereafter Chester Crawford arrived with
20 Terry Myers and Geoffrey Mann and Harry.

21 Q And how did they arrive?

22 A In Chester's car.

23 Q And did you meet with them?

24 A Yes, I did.

25 Q And did you have a conversation with any of them?

1
2 A General conversation.

3 Q After they arrived, would you tell us what
4 happened.

5 A At that point I walked over to the step van
6 which was parked here on South Street.

7 MR. KENNEY: Indicating the northwest corner
8 of South Street and Peck Slip.

9 A This corner right here.

10 Q And what did you do when you got to the step van?

11 A I opened up the door and I stepped into the
12 truck and Myers and Mann joined me.

13 Q Was there anyone else in the truck besides the
14 three of you?

15 A Mike McCloskey was sitting behind the wheel.

16 Q What happened after you got in the van?

17 A Mike McCloskey suggested that the three of us
18 stand in the rear of the van so we would not be noticed
19 standing in the front of the truck, at which point we did.

20 Do you want me to go on with the whole thing?

21 Q Yes, please, tell us what happened.

22 A We remained in the van approximately 20 minutes
23 and at that point Tommy Carroll pulled alongside the van
24 with Billy McCloskey in the car, and he beeped the horn
25 and Mike opened the door and Billy rolled down the window,

and Tommy had yelled into the truck to Mike that the mail-truck had in fact left the Federal Reserve Bank.

Q Would you tell us just exactly what he yelled out?

A Yes. He said, "The truck just left the bank."

Q And after he said that, what happened?

A Tommy then left and made a righthand turn and came up Peck Slip. Mike then started up the truck, and we drove up Peck Slip to the intersection here at Peck Slip and Pearl Street where Mike parked the truck on the corner.

Q What happened after you reached that point?

A When we stopped here, Terry and Geoffrey got out of the van and started to -- and crossed the street and walked down this direction.

Q And what happened after that?

A I stayed in the van with Mike until we again saw the mailtruck come out of Water Street and come up Peck Slip, at which point Mike started the truck up and pulled out in front of the mailtruck, to prohibit it from going any further.

Waited for the traffic light to change green and made a lefthand turn, and I looked out the side door and saw the mailtruck following us.

1
2 We came down Pearl Street to the intersection of
3 Pearl and Fulton Street.

4 When the truck got to this point, it stopped for
5 the stop sign here, and Geoffrey was standing on the left-
6 hand side of the street and Terry was standing on the
7 righthand side of the street.

8 Now, when we were pulling up here, I wasn't
9 positive, but I saw Chester Crawford's, what I thought was
10 Chester Crawford's car coming up the street here, coming
11 up Pearl Street.

12 Q What happened after you reached the intersection
13 of Fulton Street and West Pearl Street?

14 A I noticed Terry Myers proceed towards the back
15 of the van we were in and also towards the mailtruck.

16 Q What was the next thing that you saw?

17 A A few seconds had passed by, and the vehicles
18 behind us were beeping their horn, and Mike said to me,
19 while we were in the van, he said, "What's going on back
20 there?"

21 I said, "I can't see anything."

22 A few seconds went by, and then I saw Chester
23 Crawford's car come in front of us with Myers and Mann in
24 the back of the car, and proceed up this -- up Fulton Street.

25 Q And what did you do after you saw Chester's car?

1
2 A At that point, Mike then pulled the truck out
3 and made a righthand turn into Fulton Street.

4 Q And where did you go?

5 A We proceeded up Fulton Street to Gold Street
6 and Mike asked me when we got to this intersection if the
7 mailtruck was still behind us at which --

8 Q Was it?

9 A Yes, it was. We made the righthand turn onto
10 Gold Street, and then a lefthand turn into Beekman.

11 Q When you reached Beekman Street, did you see
12 anything?

13 A I didn't see anything at first. Upon coming up,
14 when we arrived at the intersection of William and Beekman,
15 I noticed Terry Myers was standing over here on the right-
16 hand side and Geoffrey was standing on the lefthand side.

17 MR. MARTIN: Your Honor, may we have that marked,
18 please?

19 THE COURT: What do you want marked?

20 MR. MARTIN: Where Geoffrey was standing and
21 where Terry was supposedly staying.

22 THE COURT: Use J for Geoffrey and T for Terry.
23 (Witness marked.)

24 Q After you saw Myers and Mann standing on
25 opposite sides of the street, which you tell us what

happened?

A We were approaching, rolling towards the stop sign, and Mike McCloskey had said to me, "What the hell are they going to do here?"

And I said, "I don't know."

And then Mike said to me, "I hope they are not going to try it here."

With that, I noticed Terry Myers walking towards the rear of our -- of the van I was in. I looked through the sideview mirror of the truck to see if I could see anything, and I saw Terry Myers jump on the side of the mailtruck.

At that point I heard a shot, what appeared to me to be a shot.

I said to Mike, "It sounds like somebody got shot. Let's get out of here."

And Mike McCloskey then said to me, "Well, we are not sure if anybody's shot. The gun might have just went off. Let's wait."

And as he finished saying that, we heard several shots, at which point Mike pulled the truck away, and drove up to this corner here and made a righthand turn, at which point I got out of the truck.

Q And when you got out of the truck, where did you go?

1
2 A Mike made the righthand turn here into this
3 street, and I stepped out of the van and I was walking down
4 this corner here, and the van continued here. As I was
5 about in the middle of the block, I saw Terry Myers run
6 past me and jump into the back of the van as it hit this
7 intersection, where it hesitated, and by the time the van
8 had completely stopped I was at this intersection, and
9 there was a bus there, and I got on the bus.

10 MR. KENNEY: Indicating Park Row and Spruce Street.

11 Q And where did you go?

12 A I couldn't see, clearly see over to the van,
13 because there was some kind of construction in the middle
14 of the street here, and the bus then pulled out over here,
15 and I noticed the van then pulled down this street and
16 continued down this way, and the bus made a lefthand turn.

17 MR. MARTIN: If your Honor please, may we have
18 that street marked and identified where he said the van
19 turned down?

20 --MR. KENNEY: May I ask the witness the question
21 and have the witness answer before Mr. Martin testifies?

22 THE COURT: He just indicated where the truck
23 went.

24 MR. KENNEY: I would like to ask him the name of
25 the street and so forth.

1 THE COURT: Go ahead.

2 MR. KENNEY: And if Mr. Martin wants to use the
3 marker the can go ahead and mark it.

4 MR. MARTIN: I apologize. I am not testifying,
5 Mr. Kenney. I just asked the witness to clarify it.

6 THE COURT: That's all right. Just sit down.

7 Q Would you indicate which street you saw the van
8 go on, again?

9 A After we had come up Beekman Street, the van
10 made a righthand turn on to Nassau Street, proceeded down
11 Nassau Street, and then made the righthand turn here at
12 Frankfort Street, and that is the last I saw the van was
13 coming down Frankfort Street as the bus made the lefthand
14 turn.

15 MR. KENNEY: May I ask Mr. Martin if he would
16 like Frankfort Street marked?

17 THE COURT: Would you like that marked?

18 MR. MARTIN: If your Honor thinks it is wise,
19 I would appreciate it.

20 THE COURT: I don't think it is wise because he
21 has identified the streets for the record and that is help-
22 ful.

23 MR. MARTIN: I think it would be helpful.

24 THE COURT: Let him mark it.

Q Would you underline the name Frankfort on the map there, please?

(Witness marked.)

Q Now, after you lost sight of the van, where did you go?

A I proceeded on the bus uptown and made my way across town and then took a bus over to New Jersey.

Q And when you reached New Jersey where did you go?

A Wall's Tavern.

Q And what time did you get to Wall's Tavern?

A Approximately 9.30.

Q When you reached Wall's Tavern, did you meet anyone there?

A When I arrived there, Tommy Carroll was there with Billy McCloskey.

Q And did you have a conversation with either Tommy Carroll or Billy McCloskey?

A When I arrived, Tommy Carroll had said to me, he said, "Oh, I guess you are all right." And I said, "What do you mean?"

He said, "Well, we didn't know where you were. We thought maybe you got busted."

I said, "No, I am here. I didn't get busted."

Q And did Billy McCloskey say anything?

A I asked Billy McCloskey where Mike was, and he said, "I believe he's over in New York, but I expect him to call me."

MR. DIRENIO: We have a continuing objection to this.

THE COURT: An objection different to the standing one?

MR. DIFENIO: No, your Honor.

Q Was anything else said at that time?

A Not at that time.

Q Did you meet anyone else at Wall's Tavern?

A Later on that evening I met --

THE COURT: Do you want to come back here and sit down, Mr. Turner?

THE WITNESS: Yes.

(Witness resumes stand.)

THE COURT: Go ahead.

Q Did you meet anyone else at Wall's Tavern?

A Later on that evening, yes.

Q And who did you meet?

A Terry Myers and Geoffrey Mann and Chester Crawford.

Q And did you have a conversation with any of them

U.S. COURT OF APPEALS:SECOND CIRCUIT

Index No.

U.S.A.,

Appellee,

against

Affidavit of Personal Service

CARROLL, et al,

Defendants-Appellants.

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

I, James Steele;
deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

250 West 146th Street, New York, New York
That on the 10th day of June 1974 at Foley Square, New York

deponent served the annexed

Appellants Brief

upon

Paul J. Curran-U.S. Attorney Southern District-Attorney for Appellee

the in this action by delivering ^{his} true copy thereof to said individual
personally. Deponent knew the person so served to be the person mentioned and described in said
papers as the Attorney(s) herein,

Sworn to before me, this 10th
day of June 1974

James Steele
Print name beneath signature

JAMES STEELE

Robert T. Brin

ROBERT T. BRIN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31 - 0418950
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MARCH 30, 1975

